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**Why the government  
should end permitted  
development rights  
for office to residential  
conversions**

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## About Levitt Bernstein

As architects, landscape architects and urban designers, we create award winning buildings, living landscapes and thriving urban spaces, using inventive design to solve real life challenges. Putting people at the heart of our work, each of our projects is different but the driving force behind every one is the desire to create an environment that is beautiful and functional.

We believe that good design has the ability to elevate practical and mundane buildings and spaces into places of delight and enduring quality – creating better places to live, work and socialise. It's why we put people at the heart of everything we do.

We also set standards, shape opinion and contribute to books and papers, guidelines and reports. Our work has been in press and it's helped influence government thinking.

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## Introduction

This paper brings together our work on permitted development rights (PDR) for office to residential conversions and our efforts to persuade the government to think again about this numbers-driven policy, which sought 'easy wins' through further de-regulation.

We acknowledge that when Ministers first came up with the idea in 2011, it might have been difficult to foresee that run-down office buildings on the edge of dual carriageways, or within industrial estates, would be converted to 'homes' as small as 13m<sup>2</sup>, or that some would lack a window. But alarm bells began to ring long before the three-year trial period, which begun in 2013, was made permanent.

In early 2015 we took a shocking example to a senior planner at MHCLG. It was quickly dismissed as a 'one-off'. Four years later, we continue to send examples to successive Housing Ministers and Secretaries of State, which prove it was not an isolated case. We, and many others, point out that allowing these substandard outcomes to occur not only concerns the public and housing professionals, but also undermines the government's own commitment to build '*the right homes in the right places*'.<sup>2</sup>

Its recent support for good design, and the instigation of the 'Building Beautiful Commission', will not be credible for as long outcomes like Newbury House, in Ilford<sup>3</sup> and 15-17 Grange Mills, in Balham<sup>4</sup> continue to be waved through under permitted development rights.

The solution is simple. Imperfect though it may be, we have an established system of development control. It exists to sift the bad from the good through an objective, democratic process. Local authorities are well aware that more housing is desperately needed. They have tough targets to meet and will permit anything, and everything, that is good enough. But it is essential that lines of decency are drawn.

When developers fail to set their own red lines, the planning system must be allowed to step in. As PDR is specifically intended to prevent that from happening, it has to end.

We applaud the damning report produced by the RICS in May last year<sup>5</sup>, and the efforts of Shelter<sup>6</sup>, the TCPA, and many others who are working to expose some of the worst new housing seen in Britain for decades.

**We too are committed to play our part in bringing this dangerous policy to an end, and as a first step have set up a petition to force a debate in the House of Commons. Please help by signing today: <https://petition.parliament.uk/petitions/267559>.**

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***'Overall, office to residential PDR has been a fiscal giveaway from the state to the private real estate interests, while leaving a legacy of a high quantum of poor quality housing than is seen with schemes governed through full planning permission'.<sup>1</sup>***

Royal Institution of Chartered Surveyors

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# How permitted development rights for change of use works

## Planning Use Classes

The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into four main categories known as 'Use Classes':

Class A covers



Shops and other retail premises



Restaurants



Bank branches

Class B covers



Offices



Factories



Warehouses



Workshops

Class C covers



Residential uses

Class D covers



Non-residential institutions and assembly



Leisure

These categories are then further split into a number of subclasses. Not all uses are assigned to a use class; these are called 'sui generis'. Student housing and 'shared living' micro-homes with shared facilities are usually treated as sui generis.

A further regulation, the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015, grants what are called 'Permitted Development Rights' (PDR). These rights are basically a right to develop without the need to apply for planning permission. Under the 2015 Order, planning permission is not needed for changes in use of buildings within each subclass or for certain changes of use between some of the classes. This is because permission has effectively already been granted by Parliament.

## Removing permitted development rights

In certain circumstances local planning authorities (LPAs) can suspend permitted development rights in their area. They also have powers under Article 4 of the 2015 Order to remove the rights but the Secretary of State must be notified, and has wide powers to modify or cancel most Article 4 Directions at any point.

Article 4 Directions must be made in accordance with national government guidance given in the National Planning Policy Framework (NPPF), which directs that there must be a clear justification for removing national permitted development rights.

The guidance requires that Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary in order to protect local amenity or the wellbeing of the area. Similarly, it stipulates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

In prescribed circumstances, local planning authorities may even be liable to pay compensation having made an Article 4 Direction. This includes situations where they:

- refuse planning permission for development which would have been permitted development, had it not been for an Article 4 Direction; or
- grant planning permission subject to more limiting conditions than the GPDO [the 2015 Order] would normally allow, as a result of an Article 4 Direction being in place.

The imposition of an Article 4 Direction does not imply that the change of use cannot take place; it simply means that proposals must be submitted for planning approval in the usual way as was the formerly the case.

## Prior Approval

Some changes of use are subject to a 'Prior Approval' procedure with the LPA. This means that approval may be required for a limited number of prescribed matters. These vary depending on the nature of the use.

# Office to residential conversions

## When the policy was introduced

The idea of using PDR to convert offices (Use Class B1(a)) to residential buildings (C3), first emerged in the March 2011 Budget Statement, soon after the Conservative-led coalition government came to power. It was included in the 2012 NPPF and rolled out for a three-year trial period beginning in May 2013. In April 2016 (just before the trial period ended), it was made a permanent right. The press release published by DCLG (now MHCLG) described it as 'an opportunity for office owners and developers to bring outdated and underused buildings back to life'.<sup>8</sup>

Before developers can convert offices to residential use through PDR, they are required to notify the LPA of their intentions. In many instances, the authority will require Prior Approval. For this type of change of use, Prior Approval can only be refused for reasons of flooding, contamination, highways and transport issues, and impacts of noise from commercial premises on the intended occupiers of the development. A fee must be paid and development must be completed within three years starting from the date of the approval.

## The impact in terms of numbers

Notwithstanding the fact that it has always been possible to convert office to residential use, evidence shows that removing the requirement for planning approval led to an immediate and dramatic surge in this type of change of use:

- The first year of PDR legislation generated **2,274%** more office to residential conversions than the yearly average prior to that
- In 2006, **900** normal applications were lodged (the highest year in the ten year period before the introduction of PDR); in 2014, **6,500** PDR schemes were notified
- In outer London, only **one** normal application was lodged in 2014; the rest were PDR
- In inner London, this form of PDR accounted for approximately **75%** of all conversions in 2014
- In LB Islington, one year's worth of PDR notifications **exceeded** the total number of 'normal applications' made during the ten years prior to that
- In 2015, PDR accounted for over **20%** of housing starts in London
- During 2013-15, **three times** as many homes were created through PDR in LB Croydon as the combined total of the three boroughs with the next highest totals
- In 2015-16, approval for 12,824 dwellings represented **42%** of all dwellings secured through change of use in general, and 6.5% of total net dwellings that year.<sup>9</sup>

## The use of Article 4 Directions in practice

The RICS has shown that the government's impact assessment, published in 2013, was fundamentally flawed.<sup>10</sup> It stated that:

**'it was difficult to predict the number of additional housing units that might result from PD, but it was expected that there would be 140 applications per year across England'. It also considered that, 'it was unlikely the PD would result in housing built in unsustainable locations, such as industrial sites, as these would not prove attractive to housing developers'.**

In reality, 10,166 applications for Prior Approval were received in England between 2014 and 2017.<sup>11</sup>

A London Councils' 'Member Briefing', published in May 2013, explained that in January of that year the government had asked local authorities to submit requests for areas that they wished to exempt from the imminent introduction of permitted development rights.<sup>12</sup>

There were two grounds on which exemption could be sought:

- '(a) the loss of a nationally significant area of economic activity or
- (b) substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring.'

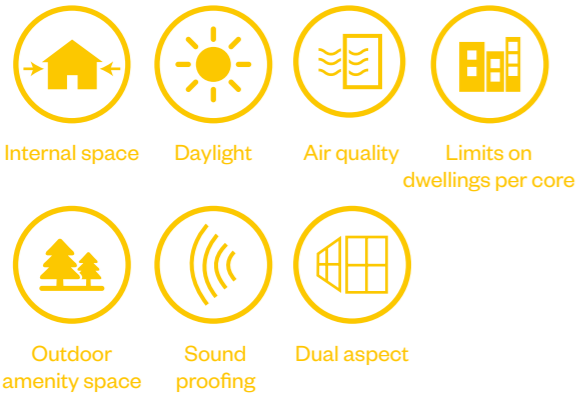
Of London's 33 boroughs, 30 applied for exemption (all except Redbridge, Barking & Dagenham and Bexley), and the GLA submitted a bid to exempt the London Plan's 'Central Activity Zone' (essentially Zone 1), 'Tech City' in Shoreditch/Dalston, the Royal Docks Enterprise Zone, Vauxhall/Nine Elms Opportunity Area and Canary Wharf.

Of the 17 local authorities in England that received whole or partial exemption, at that early stage, 11 were in London. All of the areas sought by the GLA above were granted, as was as the whole of the Royal Borough of Kensington & Chelsea. However, the government rejected the majority (19 out of 30) of London boroughs' requests. Croydon is now among the boroughs that have Article 4 immunity; Islington and Lambeth among those who (after a fight) now have partial immunity (i.e. protection for part of their borough).

# The negative impacts of this form of PDR

## Quality concerns

Bypassing the normal planning system means bypassing many of the standards that exist to protect housing quality. These provide vital safeguards for areas such as:



These are many of the things that matter most to our daily quality of life.

Under PDR, schemes only need to comply with the Building Regulations. These deal with limited technical issues such as fire safety, energy efficiency (though the standard is lower for conversions than new build), ventilation (but this need not be natural ventilation), and with soundproofing (notoriously difficult to test). They also deal with accessibility, but without a full planning application, only the default position of Category 1 can be required. That means that many older and disabled people would be unable to live in these homes once converted.

Office buildings are often located on noisy and polluted streets or roundabouts; often surrounded by car parks. Unsurprisingly, most of the buildings that have been converted are fairly tired; many date back to the 60s and 70s so are already 50 years old. Very few offer any usable green space, none are likely to have balconies and few developers make any attempt to add them.

In the sample of cases in Leeds examined by the RICS, only 1% of the new homes had any access to private or communal amenity space; in Leicester, there were none.<sup>13</sup>

In a large proportion of conversions, the internal layout comprises a long, central corridor with flats on both sides. With an institutional feel and little, or no, natural light, this arrangement is considered the option of 'last resort' for housing for very good reasons. It also means that the vast majority of apartments will be single aspect. Facing north means no sun; facing west or south makes summer overheating almost inevitable without energy-guzzling air-conditioning.

But the most obvious, and possibly the most worrying, deficiency of office to residential conversions is that they often comprise very small flats. 77% of the homes in the case studies evaluated by the RICS were studios or one-bedroom apartments. The government's own Nationally Described Space Standard (NDSS), requires a minimum internal floor area of 37m<sup>2</sup> for a single person studio or apartment. PDR has produced a significant number of studios of 13m<sup>2</sup> – a third of the government's own recommendation. One in Purley, is only 8.3m<sup>2</sup>; the size of a child's bedroom.

The NDSS was the result of three years' work and received an 80% 'yes vote' at public consultation. To accept that half, or even a third, of the recommended minimum space will do, without debate or evidence to suggest that mental health and wellbeing will not be compromised, feels reckless and short-sighted. Living in a space the size of a typical hotel bedroom will inevitably put strain on even a single person, but we know that a growing number are occupied by couples; others by families.

In reality, many of these homes have multiple drawbacks; this is hardly surprising in buildings that were designed in a different era and for a completely different purpose.

## Loss of affordable housing contributions

The inability of local authorities to require affordable housing contributions for PDR schemes has been another carrot to developers, but another unacceptable consequence to most others. 4,000 affordable homes are believed to have been lost (i.e. not built) in the first two years after introduction of PDR and Shelter estimates that at least 10,000 affordable homes have now been lost altogether.

## Loss of revenue to local councils

Technically, PDR conversions are liable for CIL contributions. In practice, this rarely happens. In just the five local authority areas investigated by the RICS, £10.8 million was assessed to have been lost in CIL contributions, and a further £4.1million lost to LPAs in planning fees that would have been payable had these developments been subject to the normal planning process.

## Cost and affordability

Despite the poor quality of so many of these schemes, the flats and studios are often expensive to buy or rent. Savills estimate that 58% of current demand is for homes that cost less than £450/sq ft; many PDR flats cost more than £1,000/sq ft.

In the first few years of PDR, when no one could be sure whether the trial period would be extended, many developers bagged a quick bargain. The value of older office buildings increased rapidly and, now that it has been made permanent, even the most run-down are now extremely valuable in those areas where Article 4 Directions have not been successfully invoked. When 15-17 Grange Mills was marketed last year, offers in excess of £2.5 million were sought.

## Exploitation of vulnerable people

At the lowest end of the market, some developers appear to be deliberately targeting vulnerable tenants; in some cases dealing directly with councils to reduce housing waiting lists.

This often means that they are able to let all their flats immediately (without incurring any marketing expenses), and can arrange for housing benefit to be paid directly to them. Sadly, these are often the worst conversions where the rent payable in housing benefit is above the level of market rent that such poor accommodation could command.

## In 2015 it was estimated that 23% of office-to-residential conversions were being used to house homeless people.

The Guardian discovered that Newbury House is now providing temporary accommodation for vulnerable people including young care-leavers. It would be difficult to imagine a worse place to begin life as an independent adult.

## Loss of valuable office space

Many people have assumed that the policy applies only to vacant offices, which are unlikely to attract new tenants. However, the government's 2013 press release referred to 'outdated and underused buildings'. The RICS reports that, in LB Camden, the majority of the office space converted to housing in Camden was occupied. It found evidence of firms being served notice and leases not renewed.<sup>14</sup>

London Councils' 2015 briefing claimed that across London, 39% of all office to residential Prior Approvals for which information on occupation was available, involved fully occupied spaces.<sup>15</sup> A number of London boroughs now report a shortage of office space, particularly the lower quality and therefore lower cost spaces that are suitable for start-ups and the creative industries. Most of the offices lost through PDR fall into this category and their loss has had an adverse effect on the local economy and forced fledging business further from the centre where rents and rates are lower. The GLA estimates that over 30,000 jobs have been disrupted in London and that most have involved SMEs.<sup>16</sup>

# The potential for legal challenge

The government's Housing Health and Safety Rating System (HHSRS) evaluates the potential risks to health and safety from deficiencies within dwellings.<sup>17</sup> Its underlying principle is that, 'Any residential premises should provide a safe and healthy environment for any potential occupier or visitor.' To satisfy this principle, 'a dwelling should be designed, constructed and maintained with non-hazardous materials and should be free from both unnecessary and avoidable hazards'. The HHSRS identifies 29 potential hazards, and recognises some have the potential to cause psychological harm as well as physical harm. A dwelling found to contain hazards which pose a serious risk to health and safety can be prohibited from residential use by the local authority.

Hazards have traditionally been associated with older housing stock that has been allowed to fall into disrepair. The HHSRS, which is completely separate from the planning system, applies to all homes, old and new, of all tenures. It is increasingly clear that many of the new homes created in the private rented sector through PDR are likely to contain one or more hazards from the day they are completed, especially those related to 'Crowding and Space'.

Drawing on the HHSRS, the 'Homes (Fitness for Human Habitation) Act 2018', which became law on 20 March 2019, allows a tenant to take their landlord to court if they believe their home is unfit for human habitation, as defined by the Act.<sup>18</sup> Any hazard that makes a property unfit is enough to require the landlord to take action. The new law defines additional criteria too, including the need for adequate facilities for food preparation and cooking.

**Astonishing though it sounds, we believe that many of the new homes created through office-to-resi PDR have serious hazards and are unfit for human habitation.**

A recent First Tier Tribunal decision in favour of enforcement action taken by Leeds City Council, suggests that all, or most, of the flats in the case studies included in this report, and thousands of similar examples, are likely to contain serious 'Crowding and Space' hazards. The Leeds case involved a terraced residential property, which had effectively been converted into a four storey block of flats after the landlord installed a small shower/toilet cubicle and a basic kitchen into each of seven separate rooms. The 'usable space' within each of the 'studio flats' (the internal floor area, excluding the shower room) ranged from 10m<sup>2</sup> to 17.47m<sup>2</sup>.<sup>19</sup>

Despite the Nationally Described Space Standard not being specifically cited in the HHSRS Operating Guidance, the Judge ruled that it is an appropriate modern benchmark against which to assess the hazard of 'Crowding and Space'. Leeds City Council chose to restrict its case to the four smallest flats, however in his decision, the Judge agreed that all flats in the property contained serious 'Crowding and Space' hazards. Despite having a window, one flat in the basement was also considered to be unacceptable in respect of natural lighting.

As noted, the HHSRS applies to all types of housing. If - (or, as we believe, when -) homes in newly converted office buildings are challenged, they will be subject to the same basic HHSRS assessments. Inadequate ventilation and undue noise are also recognised hazards and many of the examples we have seen appear to fall short in these and other respects too.

Perverse though it sounds, while local authorities are usually unable to prevent these conversions from going ahead, however concerning the proposals appear to be at Prior Approval stage, when finished, their own enforcement teams have the power to inspect, and serve enforcement notices on the landlord where they find any hazards.

In practice however, none of this is easy. Enforcement is often an expensive, drawn-out process that almost inevitably renders people homeless – two reasons why many councils prefer to leave well alone. But, the planning system, the HHSRS and the new Homes (Fitness for Human Habitation) Act 2018, exist for good reason. The drawings submitted for Prior Approval often indicate the potential for one or more hazards. The 'Crowding and Space' hazard is nearly always in evidence. Councils surely have an implied duty to check that residents are safe – particularly when they have specific cause for alarm and know that many of the people housed in the worst conversions are vulnerable and would be daunted by the prospect of bringing their own legal case against their landlord?

The Leeds case demonstrates how poor conversions, whether under PDR or not, can be tackled and we are confident other local authorities will follow suit. It is widely accepted that the HHSRS is complicated and requires updating; referring to documents that no longer exist and failing to reference others that do. It is currently under review for those reasons. Despite this, in the Leeds case, the Judge had no hesitation in stating that all flats could cause unacceptable psychological harm because the accommodation created was far too small.

It cannot therefore be right that thousands of other flats, of a similar size or smaller, and almost certainly the smallest homes ever legally permitted in this country, have received the green light through PDR. Despite the council's efforts to prevent a pitiful conversion in Watford, 15 small flats, seven of which will receive no daylight at all, have just been granted approval at appeal because the inspector found no legitimate grounds under PDR for refusal. Having lost the case, the council may even be liable for costs. (See case study 6 for more details).

A	<b>Physiological requirements</b>
	<b>Hygrothermal conditions</b>
	Damp and mould growth
	Excess cold
	Excess heat
	<b>Pollutants (non-microbial)</b>
	Asbestos (and MMF)
	Biocides
	Carbon Monoxide and fuel combustion products
	Lead
B	<b>Psychological requirements</b>
	<b>Space, security, light and noise</b>
	Crowding and space
	Entry by intruders
C	<b>Protection against infection</b>
	<b>Hygiene, sanitation and water supply</b>
	Domestic hygiene, pests and Refuse
	Food safety
D	<b>Protection against accidents</b>
	<b>Falls</b>
	Falls associated with baths etc
	Falling on level surfaces etc
	Falling on stairs etc
	Falling between levels
	<b>Electric shocks, fires, burns and scalds</b>
	Electrical hazards
	Fire
	Flames, hot surfaces etc
<b>Collisions, cuts and strains</b>	
Collision and entrapment	
Explosions	
Position and operability of amenities etc	
Structural collapse and falling elements	

# What should happen

It still makes good sense to convert an office building that is genuinely no longer either needed, or fit for purpose, to another, more suitable use. If the most appropriate new use is residential, so much the better given the desperate shortage of housing. But this should only involve office buildings that are genuinely redundant (those that are empty and have no future as a workspace) and have the potential to become good places to live.

We accept that while it was evident from the start that some, perhaps even most, of the housing would not be ideal, few could have foreseen how inadequate some of the outcomes would be. But the warning signs were there before the end of the three-year trial period, and the government still decided to push ahead with plans to make it permanent in 2016.

Since then, and notwithstanding some notable exceptions, quality seems to be worsening as the more promising opportunities become scarcer. Space and light (ironically the two attributes within the home rated most highly by the public) continue to be squeezed out as shown in the examples in the final section of this paper. In Newbury House, what are described as 'two person studios', start at 14.6m<sup>2</sup>, the size of a typical double bedroom.

It would be sensible for the NDSS to be taken into regulation for a number of reasons, not least the fact that until that happens, developers will continue to negotiate on the grounds of viability even for developments that do go through the normal planning process.

But that only solves one problem. In 15-17 Grange Mills in Balham, LB Lambeth (case study 2), the only aspect of four of the ground floor studios is to a small covered lightwell; four of the upper floor studios have only roof-lighting; no vertical window at all, so no view out. Another scheme in Watford (case study 6), has been passed at appeal, despite the fact that seven of the 15 flats will have no daylight at all.

**Building Regulations have never required a living space to have a window, not because it doesn't matter, but because no one imagined that anyone would offer a home without one. Now we know that has become a reality, we need to legislate to prevent it.**

Location is another serious concern. Newbury House is on the edge of the A12, a six-lane, dual carriageway with a 70mph speed limit – effectively a motorway. The incessant noise and poor air quality make this not just an undesirable place to live, but a dangerous one. Grange Mills is located in an industrial estate. If it goes ahead, it will offer no usable outdoor space and no privacy. Both schemes, and thousands of others are very clearly at odds with the government's stated aim to build 'the right homes in the right places'.<sup>20</sup>

Had these proposals gone through the usual planning process they would have been properly scrutinised and tested against the London Plan, The London Housing SPG and any additional local standards, through a democratic process. Quite properly, they would have failed all of these tests. The planning system exists for a reason and this form of PDR has highlighted the need for all development that results in a significant change of use, particularly residential use, to be subject to normal planning procedures.

Professional concern is being reflected in public concern. The vast majority of the readers who commented on the Guardian's coverage of Newbury House were shocked and dismayed by what they saw, and read.

In an interview conducted by the RICS, one resident spoke for many us, 'I'm speechless. How can this be allowed in a civilised country? It is so wrong. The politicians who allowed this (PDR) need to come and live here. It's a total nightmare.'<sup>21</sup>

It is therefore extremely worrying that, far from curtailing PDR, the government has recently consulted on extending it to other types of change of use, and to 'upward extensions'. In light of the mounting evidence that these homes are not fit for human habitation, we have set up a petition to force a debate in the House of Commons. The need for housing must not come at any price – please show your support and sign here: <https://petition.parliament.uk/petitions/267559>.

**'Permitted development is toxic and leads to a type of inequality not seen in the Britain for over a century... We have a choice. Do we want to build the slums of the future or create places that actually enhance people's lives?'**

Hugh Ellis, Interim Chief Executive, TOPA



# Case study 1

Newbury House, 890-900 Eastern Avenue,  
Ilford, LB Redbridge

Newbury House is an unremarkable, seven storey building located almost opposite Newbury Park station on the edge of the A12, an extremely busy and polluted, six-lane, dual carriageway.

Redbridge planning records indicate that a notification for Prior Approval for Change of use from Office (B1) to Dwellings (C3) was registered on 23 June 2014. Correspondence suggests that the building was in use as offices when the notification was made.

On 14 August 2014, LB Redbridge confirmed that they had no objections to the proposal to convert the building to residential use; even Prior Approval was not required for the conversion of six floors of office space to 60 studios – 18 singles and 42 doubles.<sup>22</sup>

The building is now occupied. Apart from the entrance lobby, the ground floor is largely an open under-croft, used to store waste. Neither we, nor the Guardian, were able to gain access to the building, but a resident who passed his phone number to a reporter confirmed that there were ten flats on his floor and that he believed all floors were the same. This strongly suggests that the conversion was carried out in accordance with the submitted plans.

The single studios range from 13m<sup>2</sup> to 15.6m<sup>2</sup>; the doubles from 14.7m<sup>2</sup> to 23.5m<sup>2</sup>. 48 are single aspect and 12 have windows on two adjacent sides. Half of the single aspect studios face north (so will receive no sun), and half face south (so will be in sun for most of the day).

Each studio has a small, quadrant-shaped shower room in one corner.

**None of the studios appears to have any built-in storage; the 'kitchen' appears to comprise a hob and a sink and there is no space for a table.**

There are no balconies (the building has not been changed externally) and there is no shared amenity space.

Most worryingly, it appears that the conversion has not been signed-off by Building Control. Records show that condition approval was granted on 9 August 2017, subject to three conditions. These relate to fire safety (means of escape), soundproofing between dwellings and ventilation. Fire safety is clearly the most important. We understand that Building Control Officers in Redbridge were sufficiently concerned about the proposed means of escape to call in the fire brigade for advice. The outcome was to require a mist type sprinkler system to be installed; hence that first condition.

There are no records of any further inspections, so it is not clear whether the conditions have been satisfied. While everything may be in order, following a call to Redbridge Building Regulations department, officers have undertaken to investigate the situation and ensure that the residents are at least safe in the event of fire.

On 29 August 2018, following a press article about Newbury House, a Freedom of Information request was submitted to LB Redbridge to enquire about the amount of housing benefit being paid to residents of Newbury House. Their response, dated 14 September 2018, reinforces our concern that a number of the residents may be vulnerable:

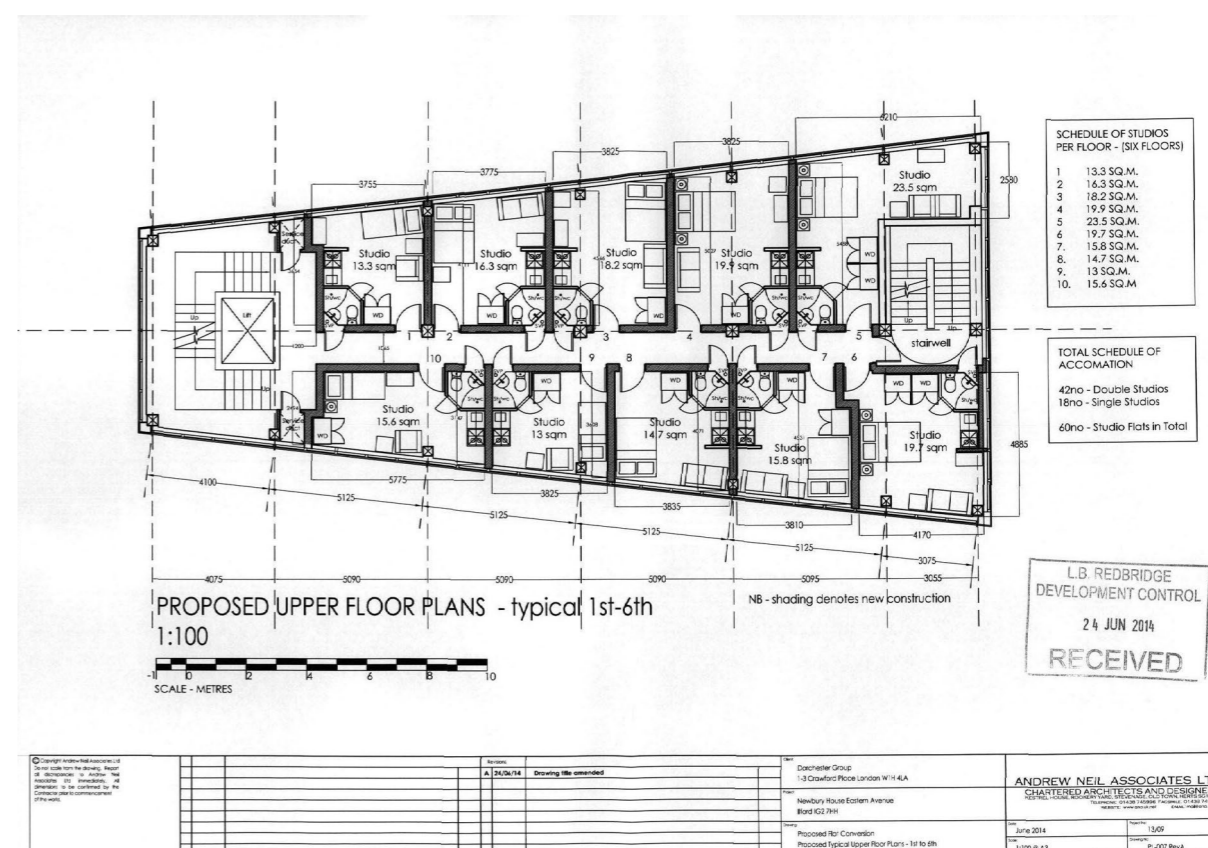
2017/18  
Number of claims paid: 38  
Average weekly housing benefit: £159.23  
Total housing benefit paid: £117,578

2018/19  
Number of claims paid: 44  
Average weekly housing benefit: £157.91  
Total housing benefit paid: £61,289<sup>23</sup>

As it is unlikely that either of these periods represents a full year, the typical annual sum paid in housing benefit is likely to be even higher.



Newbury House, 890-900 Eastern Avenue, Ilford, LB Redbridge



Newbury House, upper-floor plan (accessed via LB Redbridge planning portal)

## Case study 2

15-17 Grange Mills, Balham,  
LB Lambeth

Units 15-17 Grange Mills are located in a scruffy, two-storey office building in a small industrial estate in Balham. Its recent planning history is complicated but the summary below is correct to the best of our knowledge.

A full planning application to convert 15-17 Grange Mills to residential use was submitted in June last year. Permission was sought for 13 homes (7 studios, 3 x 1 bed flats and 3 x 2 bed flats), new windows and the demolition of an external fire escape stair. The application was made by a planning consultant on behalf of a client.<sup>24</sup>

Records show that the proposed floor plans (detailed internal layouts complete with indicative furniture) were withdrawn before the application was determined. Other floor plans, which reflect its current use as an office, were substituted. Although it seems evident that the new windows were specifically intended to suit the planned conversion to residential use, the application was amended to seek permission for just replacing the windows and removing the fire escape. This suggests that the planning authority was unwilling to grant permission for change of use but that the applicant intended to keep that option open.

Permission for the replacement windows and the removal of the fire escape, was granted on 10 August 2018 (the day after the floor plans had been substituted). For the avoidance of doubt, the decision notice explicitly states that permission had not been granted for the conversion to residential use.

Meanwhile, (on 15 June) a request for Prior Approval for conversion to 13 flats/studios was submitted by the same planning consultant, but on behalf of a different applicant. It included the same residential floor plans that had been withdrawn from the full application, which was running in parallel. Prior Approval for the conversion to 13 flats was granted on 9 November 2018. At that point, everything originally sought through the conventional planning process, had therefore been permitted – albeit through two separate applications.

The proposed 13 flats/studios are compliant with the Nationally Described Space Standard (NDSS) but, as the plans indicate, many are very deep and narrow, and the majority have only one window. Furnished internal layouts show how compromised the living spaces would be. There would be very little privacy, no decent outlook and the only outdoor amenity space would be two small triangular yards, assigned to two of the ground floor flats. The drawings show no openings at all on the longest, south-facing rear wall, as this is a party wall.

Having gained Prior Approval for 13 flats, it appears that the owner decided to put the site up for sale. The 'development opportunity' was marketed by a leading estate agent who sought offers over £2.5 million.

**Planning records show that someone else is now attempting to get more homes on the site. A new request for Prior Approval was made in December 2018, this time for 26 studios, instead of 13.**

The new layouts fail to show the location of the entrance doors, kitchens or shower rooms. The communal circulation looks convoluted and confusing and a number of the studios (which start at 18m<sup>2</sup>) have impossible proportions. Some of the proposed ground floor studios are more than five times deeper than they are wide. Entered at one end, they have a single window at the other. Two are directly overlooked by another studio and none would have adequate natural light.

Four others only seem to look into small, existing lightwells. The approved plans, show these opened up to become private outdoor spaces (the two triangular courtyards referred to earlier) but the latest plans appear to retain them as covered lightwells with rooflights.

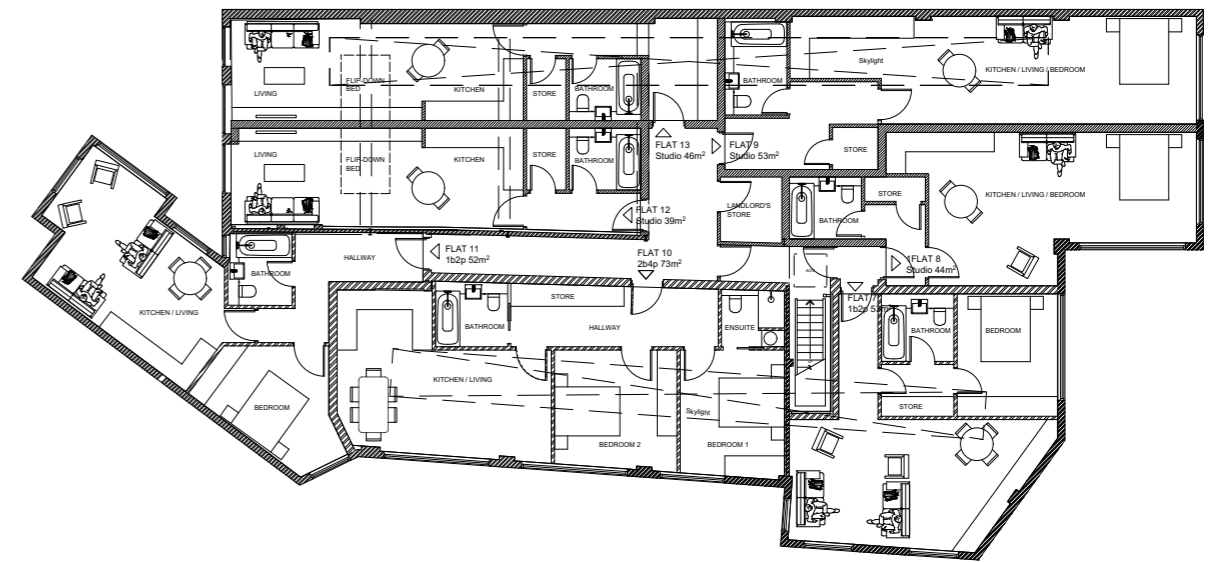
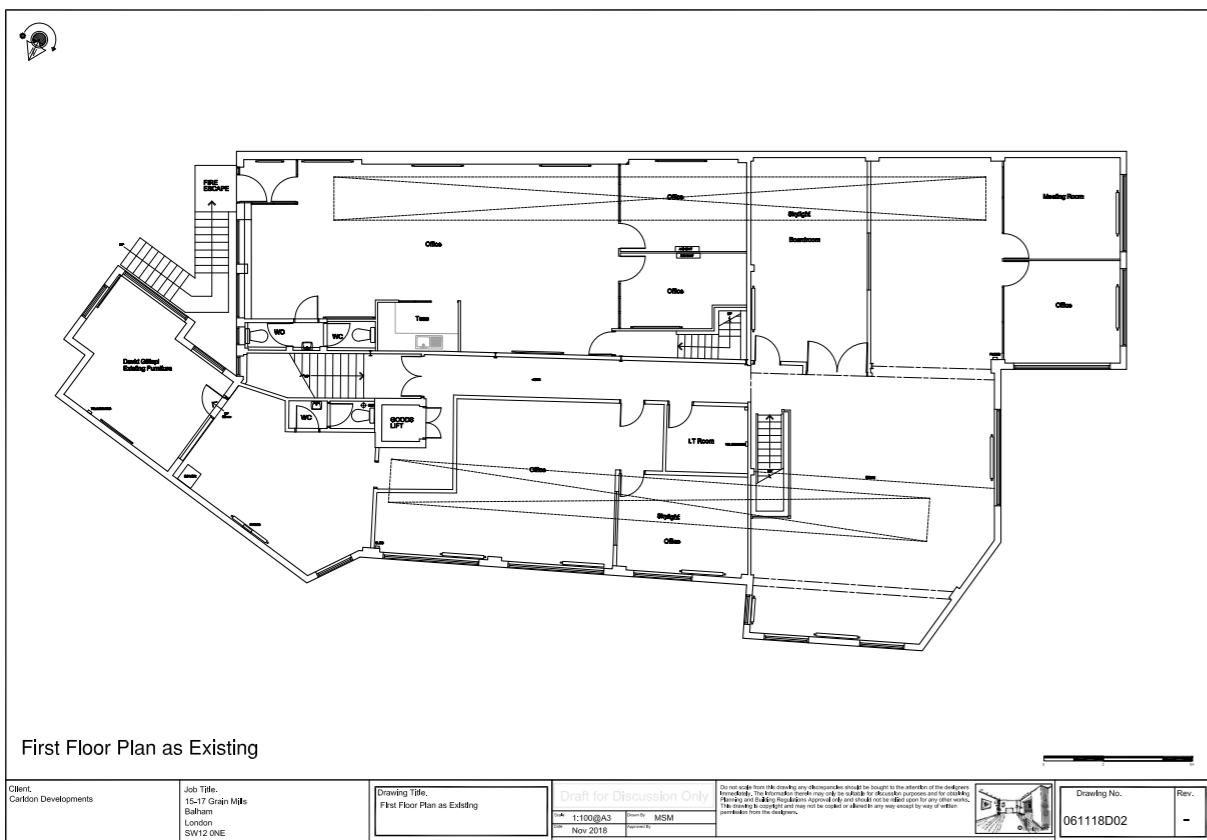
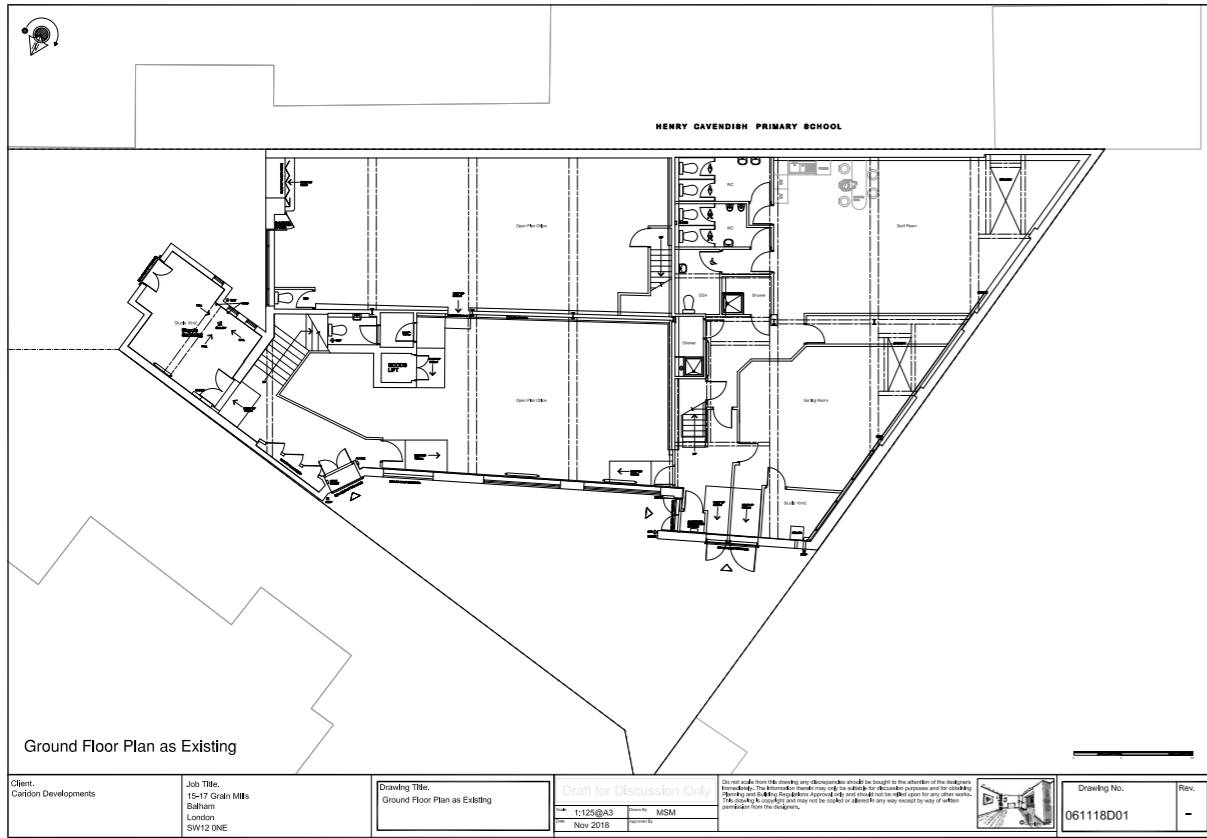
It appears that two flats share each one and that it is their only source of daylight. Hidden behind a wall, they have no view of the outside wall.

On the first floor, four studios appear to have no vertical window at all; three rely on a long skylight, which stretches across five dwellings; the fourth has a single rooflight. It is very difficult to see how any of these spaces could work in terms of ventilation, overheating, soundproofing or fire separation; let alone constitute an acceptable home. The risk to the wellbeing (mental health in particular) of any occupants would be considerable if this conversion is allowed to proceed.

The developer responsible for the most recent proposal has reportedly defended his actions on viability grounds; suggesting that doubling the number of flats is the only way to return a profit. If this is true, it is almost certainly because PDR has increased the value of run-down office buildings to ridiculous levels. At the time of writing, LB Lambeth is considering the proposals in the latest Prior Approval notification.



15-17 Grange Mills, Balham, LB Lambeth



Existing ground and first floor plans showing current office use (accessed via LB Lambeth planning portal)

Proposed ground and first floor plans showing 13 flats/studios (withdrawn from full planning application and replaced with existing floor plans (above), then re-submitted for Prior Approval and approved) (accessed via LB Lambeth planning portal)

# Case study 3

## Edinburgh House, Edinburgh Gate, Harlow

Edinburgh House (also known as the 'Pearson Education Building' or 'Longman Publishing') is adjacent to Harlow Station. Designed by Conran and completed in 1994, it has considerably more architectural merit than many of the other office buildings that have been converted through PDR. Three atria bring light into the large, deep-plan, six-storey building.

The conversion began in 2017, a year after the government confirmed that this form of PDR would be made permanent. Due to an apparent irregularity, the developers have recently been asked to make a full application for acoustic changes to the façade, after work on site had started. Permission has since been granted. Now nearing completion, its 253 studios and flats are being released for sale, incentivised by Help to Buy.

The flats are larger than many: studios start at 33m<sup>2</sup>, one beds typically range from 37m<sup>2</sup> to 50m<sup>2</sup>, and two beds from 51m<sup>2</sup> to 70m<sup>2</sup>. The standard of the internal fit-out appears to be good and future residents will have access to a large roof terrace, as well as the internal courtyards at the base of the atria.

The internal layout, however, is unarguably institutional. The first to fourth floors each comprise 45 flats, accessed by a 'race-track' of long, circuitous corridors; an arrangement which is widely felt to be undesirable for a number of reasons. The current London Housing SPG recommends that large residential buildings should be subdivided vertically to limit the number of homes accessed from each entrance and circulation core. It suggests that each core should give access to a maximum of 25 dwellings in total, and a maximum of eight flats per floor. The aim is to keep numbers manageable and promote a homely atmosphere, which encourages people to get to know their neighbours. At a practical level, it also ensures that the maximum number of people likely to be affected by a fire, or another form of disturbance, is restricted to a manageable level. None of that can be achieved in this building, which was designed as a workspace, not a living environment.

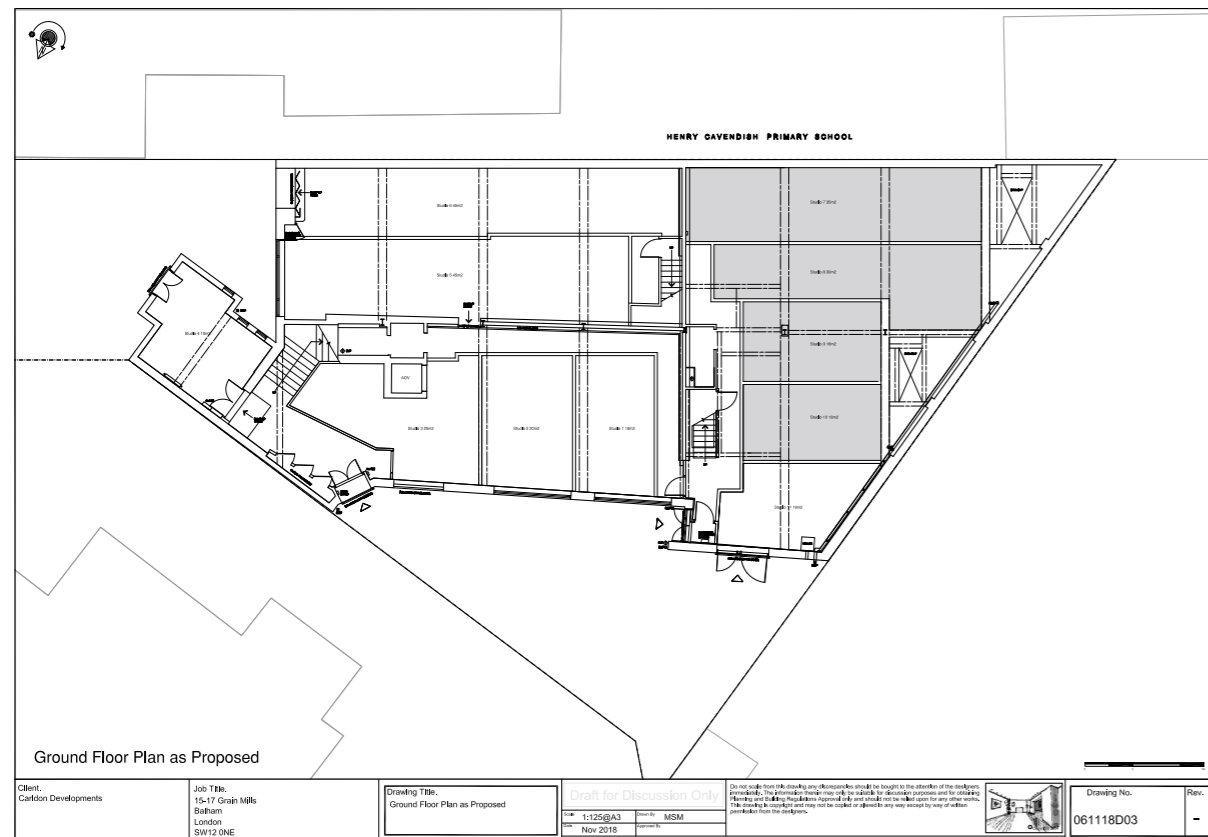
Within the flats themselves, the two overriding main concerns are the lack of daylight and views out. The plans in the marketing literature indicate that more than half (25) of the 45 flats on each of the typical floor plates (first to fourth floors), have a bedroom whose only window faces directly either on to an internal walkway or into one of the atria. In the majority of cases this is the window to the principal bedroom within the flat or studio. Notes on the plans submitted for Prior Approval describe some of these windows as 'high level and fixed shut'. (An example is shown on the following page).

In eight of the flats on each of these floors, one bedroom only has borrowed light from the living room (1.01, 1.08, 1.10, 1.24, 1.25, 1.31, 1.34, 1.45 on the first floor). Half of these (the one bed flats at the corners of the central atrium) are completely 'internalised'; their main living room, from which the bedroom borrows light, only looks into the atrium.

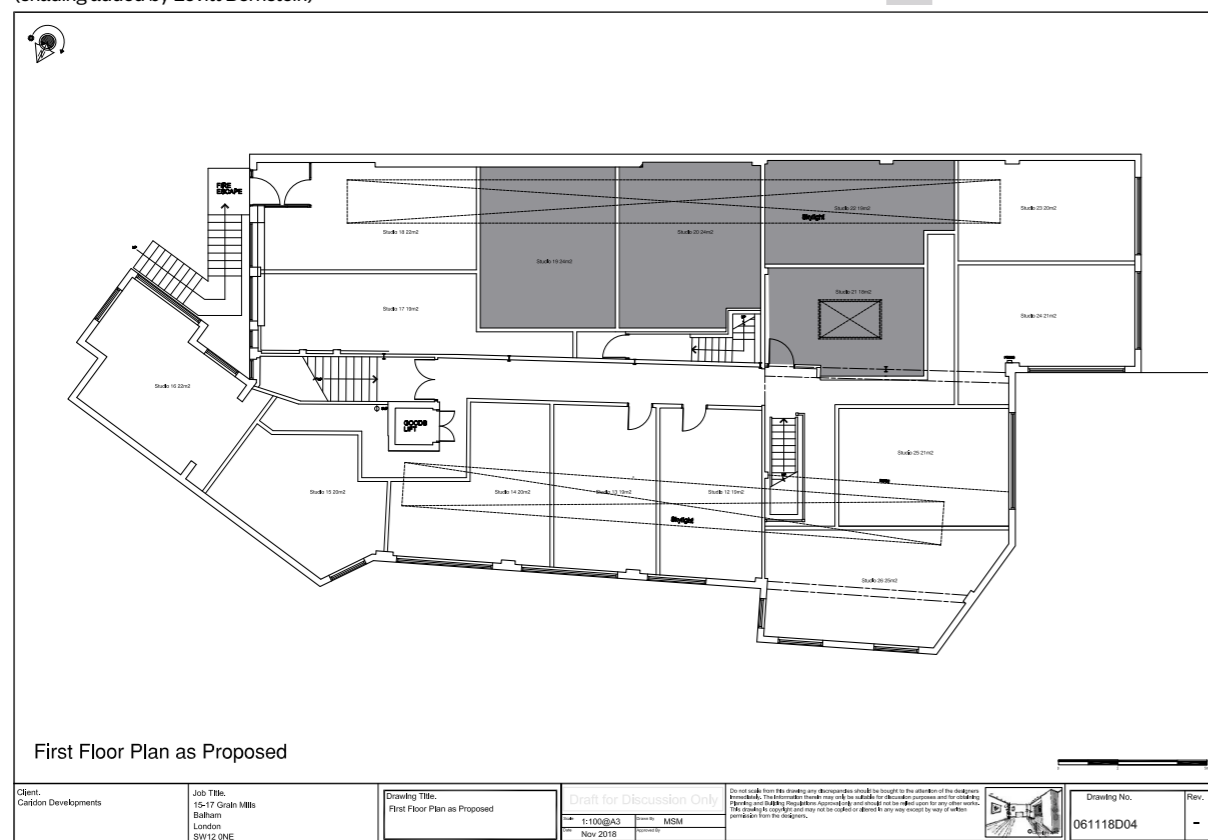
In four other flats on each of these typical floors (1.04, 1.06, 1.27, 1.29 on the first floor), both habitable rooms (the living space and the sole bedroom) only have windows to the central atrium. Their windows and internal 'balconies' and face each other directly across the 12m wide void.

**On the ground floor, five studios (shown green on the plan) each have a single window that faces into one of the atria.**

Of the seven case studies in this report, this scheme has many of the best flats but arguably also some of the worst; for many people the idea of living in a home which has no visual connection with the outside world would be intolerable.



Studios that appear to only look out onto a small light well (accessed via LB Lambeth planning portal) (shading added by Levitt Bernstein)  Flats that only look into lightwells



Studios that appear to have no vertical window (accessed via LB Lambeth planning portal) (shading added by Levitt Bernstein)  Flats that have no window



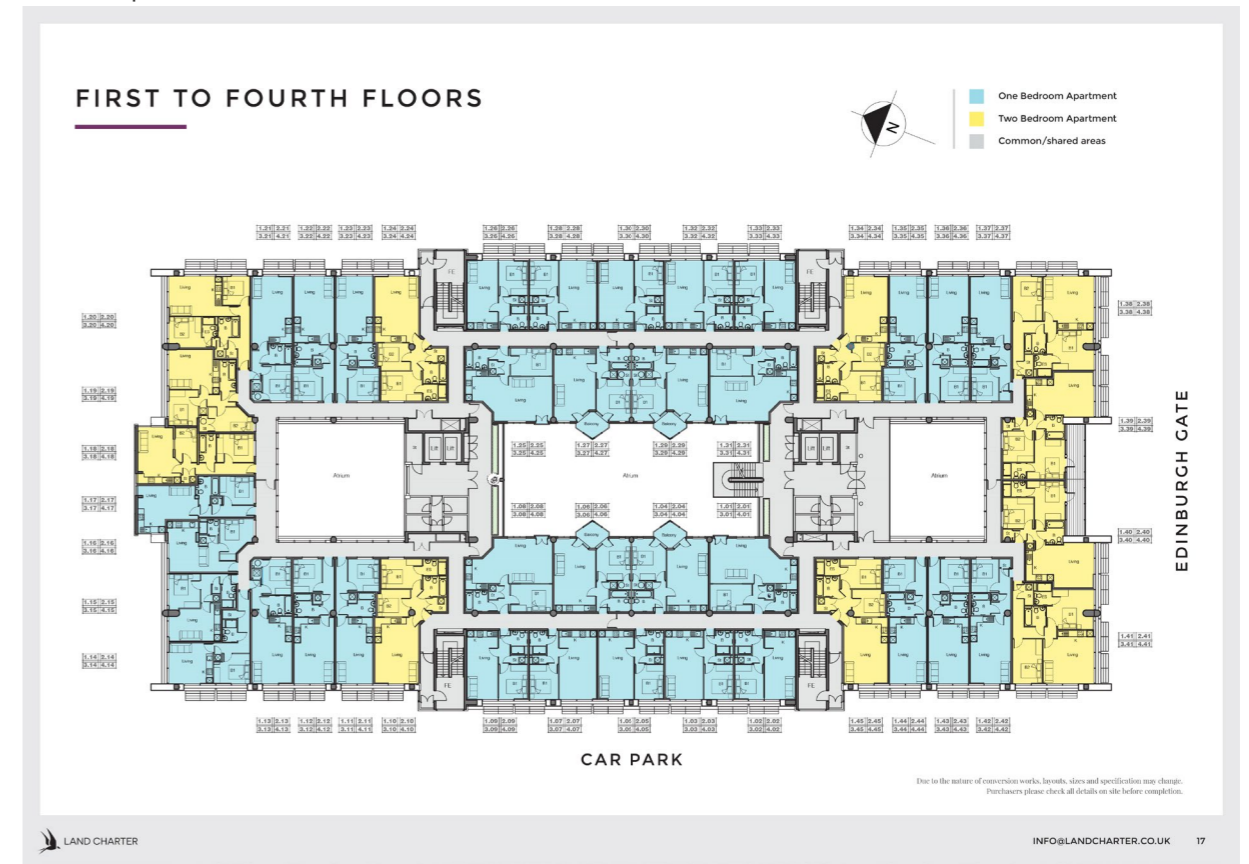
Edinburgh House, Edinburgh Gate, Harlow



Bedroom with high level window



Ground floor plan



First to fourth floor plan

# Case study 4

## Terminus House, Harlow

Terminus House is a looming, grey concrete, former office building comprising a nine-storey tower above five floors of car parking. Located in a busy part of the town, next to the bus station and close to Harlow College and local shops, it gained Prior Approval for conversion to residential use in 2014.<sup>25</sup>

It now comprises over 200 flats and is owned and managed by Caridon Developments. The internal floor plans tell a familiar story. Drawings of a typical upper floor show 26 narrow flats, accessed by a long corridor connected to two lifts and two staircases. 22 of the 26 flats are single aspect and each appears to have just one openable window. They look to be in the region of 18-20m<sup>2</sup> and do show a small table and chairs but no armchair or sofa. The smaller shower rooms do not appear to meet even the minimum requirements of Part M, and there is no built-in storage.

The bleak, noisy and polluted external environment, the institutional scale of the building and the meanness of the flats all contribute to the absence of any sense of home, but the most worrying aspect of Terminus House is the vulnerability of many of its residents.

A council report published on 16 October 2018 highlighted the fact that Harlow has been disproportionately affected by office to residential PDR and that many of the conversions are now home to displaced households from London:

*'These developments have been used primarily to house single people or families with children who have presented as homeless and where there has been a duty to rehouse them under homelessness legislation, homeless prevention duties or as a result of welfare reforms. The majority of these households have been placed in Harlow by other councils, neighbouring councils and London boroughs, due to the lack of available affordable housing in their own area.'*<sup>26</sup>

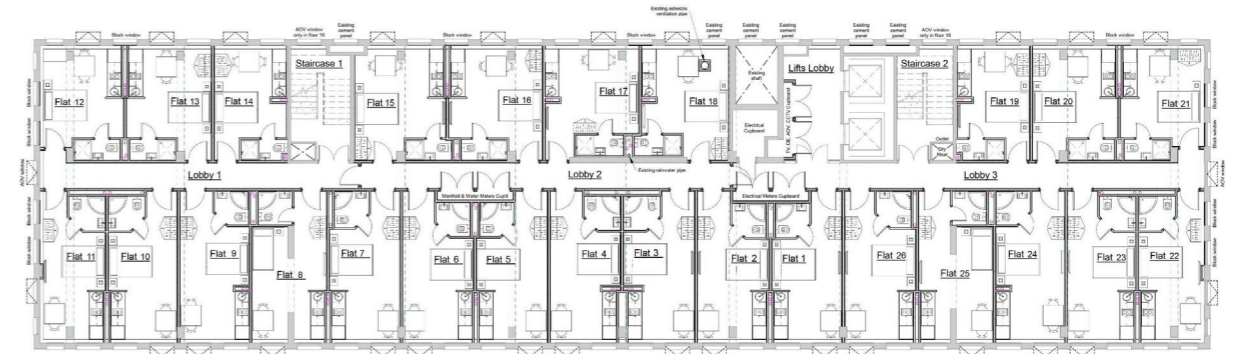
It goes on to highlight some of the practical consequences:

*'Due to conversions being made under Permitted Development, receiving councils have in the past had little or no warning of the arrival of numbers of families in to converted accommodation and have therefore not been able to prepare themselves and/or partner agencies for potential increase in demand for their services'.*

Though keen not to stigmatise residents, and mindful that many of the dwellings are rented through the open market (including in Terminus House), the report also notes that a number of serious concerns have been raised:

- *'High volumes of calls to Essex Police*
- *Unknown man brandishing a knife in full view of children*
- *Suspected drug dealing and drug use*
- *School age children playing in corridors during school hours, possibly due to lack of school places available and/or parents unwilling to transfer school places to Harlow*
- *Lone males hanging around the site leading to concerns about the potential for grooming of vulnerable adults and children*
- *Adults with mental health issues occupying accommodation in close proximity to vulnerable adults and children*
- *Some resident children attending Harlow schools have apparently told school staff they are frightened to go home and are unable to sleep at night due to being petrified.'*

Since we alerted the Guardian to Terminus House, it has received considerable press coverage. Various investigations confirm that there have been problems with anti-social behaviour and that the building has been fitted with over 100 CCTV cameras. Despite the fact that it's now described as temporary accommodation, many residents fear they will be there for years.



Typical floor plan



Terminus House, Harlow

# Case study 5

Intec House,  
49 Moxon Street, Barnet

49 Moxon Street is a former car showroom, located at the end of a cul-de-sac in a small light industrial estate in a leafy part of Barnet, one of London's largest boroughs. Plans to convert it to a total of 107 flats were submitted to Barnet Council for Prior Approval in May 2019.<sup>27</sup>

The existing building, formerly a car-dealership, is comprised of two connected parts; a wide but fairly shallow three storey commercial building at the front, with a much deeper two storey warehouse element at the rear. Only the front part of the building has any windows, and all except a couple of small openings on a side wall, are located on the front façade.

The flats on the ground and first floor of the rear element are arranged in two rows; their angled full-width, internal 'windows' face each other across what is described as an 'atrium'. This space, approximately 7m wide, has a solid roof with six, openable roof-lights. These provide the only natural light to the atrium, and borrowed light to the 56 flats in this part of the building – the only source of natural light they will receive. It is unclear how adequate ventilation or safe means of escape will be achieved.

The flats, the majority of which are reported to be 15-16m<sup>2</sup>, are all the same very narrow, but deep, proportion. The beds, shown placed against the window, occupy almost the entire width of each room. The flats are reminiscent of cattle pens; the building itself more like a battery farm than a housing development.

Local residents, particularly members of the Barnet Society, are understandably extremely concerned about the latest proposal (as described above) which has attracted 105 comments expressing objections:

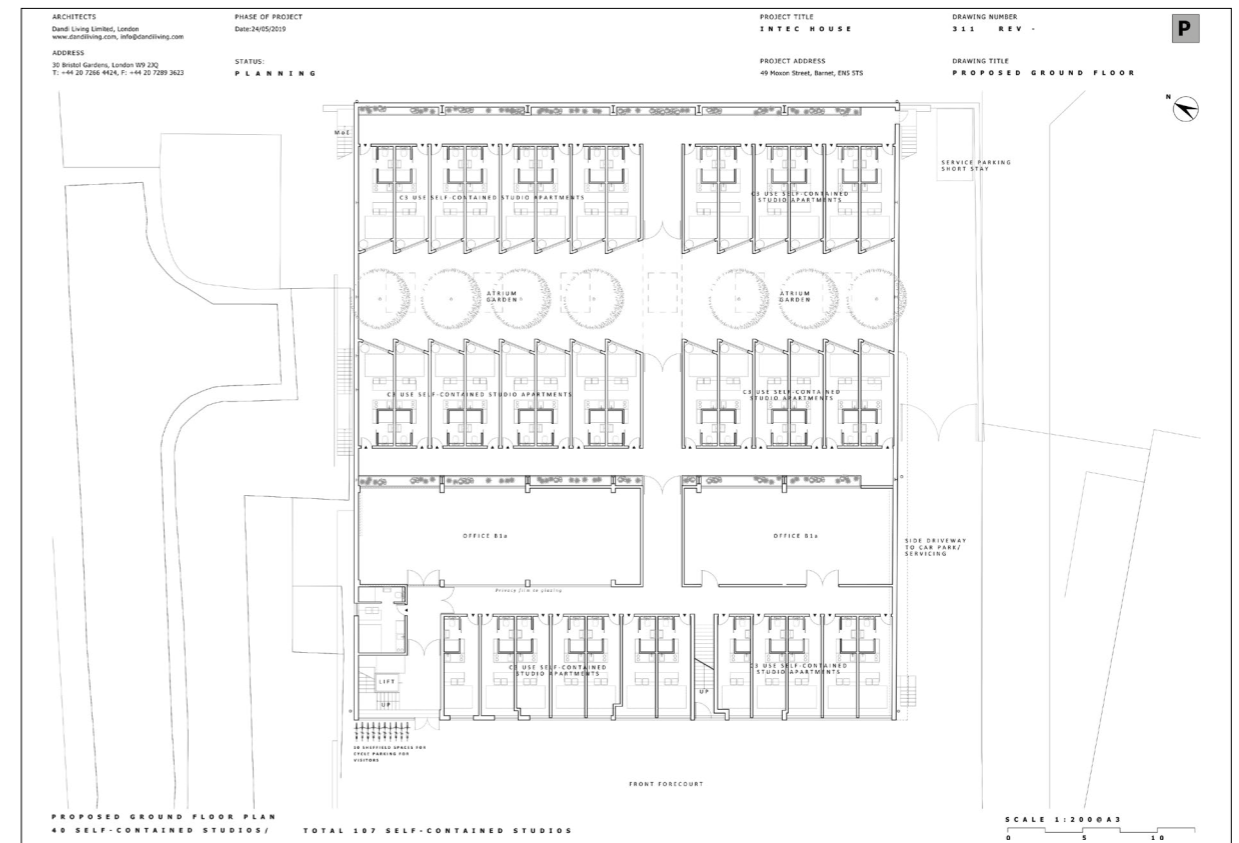
66

*'Not fit for human habitation whatever is said by developers manipulating present planning rules. This is not warehouse loft living but placing people in self-storage units.'*

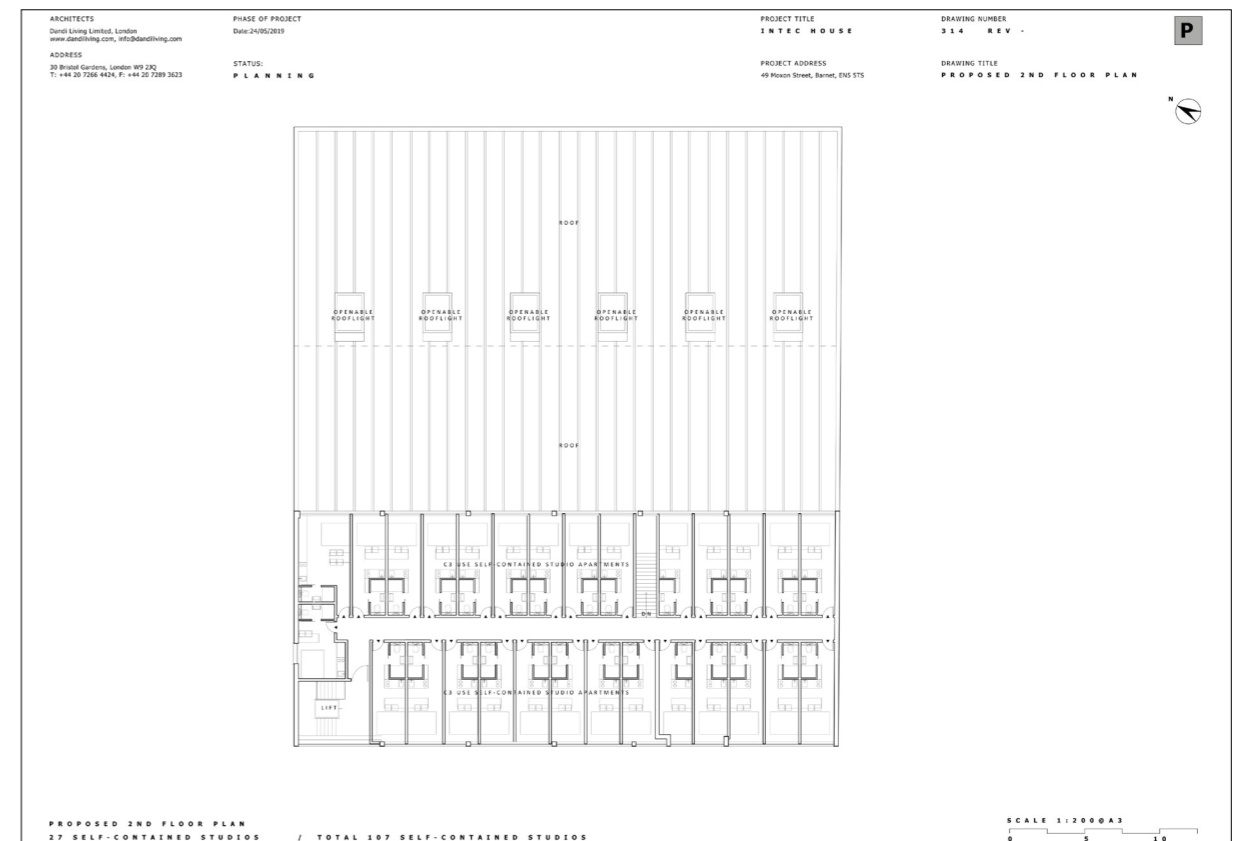
*'The living conditions of residents will be, at best inadequate and at worst, utterly miserable. London planning guidance recommends a minimum of 37 square meters for a studio flat. Units less than a third of the size of this, with no natural daylight or air are completely immoral in my opinion.'*<sup>28</sup>

*'This is a terrifying application that defies all guidelines for acceptable living standards. Having lived in a studio flat myself (of three times the proposed area of these flats), I can testify that the proposed conditions have more in common with a prison than studio flats. Quite apart from the extremely cramped space and lack of natural light, obtaining appropriate ventilation throughout the year would require a most sophisticated and expensive HVAC system if unbearable temperatures and dampness are to be avoided. I am very aware of the problems that young people face (and some older ones too) in finding accommodation that is truly affordable, but the answer is not to drop standards way below those of a civilized society.'*

99



Ground floor plan



Second floor plan showing roof-lights to 'atrium'

The Times, which exposed this scheme, alongside another example with a flat of 8.3m<sup>2</sup>, reported that having gained Prior Approval, the developer intends to demolish the building and build a purpose-built development for 'shared living'.<sup>29</sup> While we can't speculate on the reason for the two-pronged approach in this particular case, it is becoming a widespread bargaining ploy.

With Prior Approval safely in the bag, many developers go back to the council for full planning approval for a better (but often not fully compliant) new build scheme, on the basis that it would result in

a preferable outcome. It is easy to see why councils may be tempted to accept this somewhat devious means to a better end, but PDR was not intended to be a cynical stepping-stone. Where permission is withheld, the developer is very likely to either implement the Prior Approval or sell on the site with permission, having substantially raised its value.

At the time of writing (July 2019), Barnet had not issued its decision, but the only grounds for rejection, if that proves to be the outcome, is that its most recent use may not have been as an office, or other B1 use.



Side elevation, Barnet



Side elevation, Barnet



View from the front, Barnet



## Case study 6

1 Wellstones, Watford

As the images show, this former warehouse on a light industrial site near Watford High Street, is wholly unsuited for housing in anything like its present form. Most recently used as an upholstery business, it has also been used as a petrol station and a repair workshop for gaming machines.

As with so many PDR developments, the flats are very small, single room studios, ranging from 16.5m<sup>2</sup> to 22m<sup>2</sup>. Four of the six studios in the roof space will have low headroom over much of their floor area, reducing the useable space substantially further.

However, the single most shocking aspect of this proposal is that seven of the flats (all six in the roof and one at ground floor), will have no natural light if the conversion goes ahead. Even the others will only have one, or at best two, small, shallow, high-level windows.

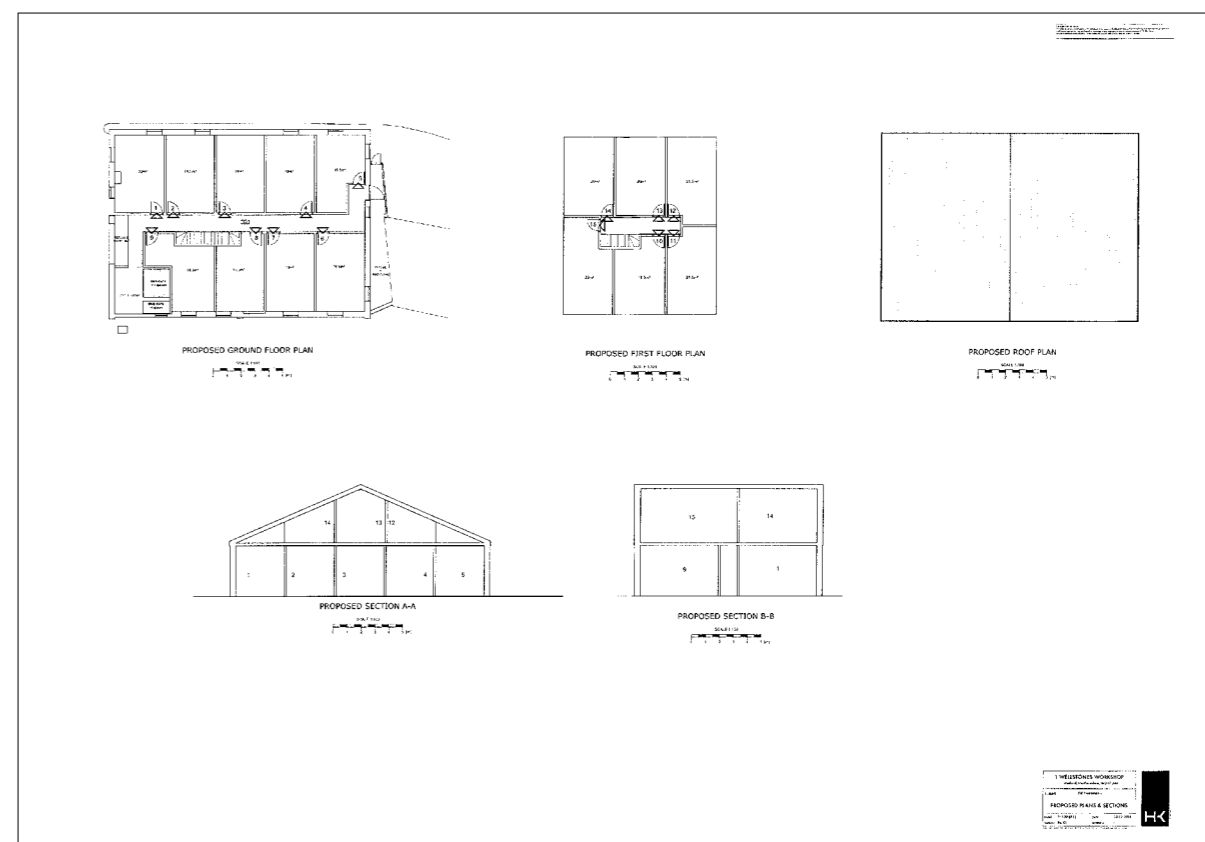
Last December, Watford Borough Council rejected the developer's request for Prior Approval to the conversion under PDR, on the grounds that the flats would not have adequate light or ventilation. It cited concerns that the 'oppressive environment would have serious impact on the health of the future occupiers'.<sup>30</sup> Other concerns, expressed by the Mayor, included the unsuitable location, the lack of amenity space and the fact that 'residents would step out of the building straight onto a very busy service road.'

The developer took the case to appeal and on 5 July 2019, the highly qualified planning inspector (appointed by the Secretary of State), overturned Barnet's decision and ruled that the conversion could go ahead as planned because under PDR there are no legitimate grounds for refusal:

***'The Council's first reason for refusal concerns the quality and size of the proposed bed-sit/studio accommodation units which, in their opinion, falls short of the basic standards for internal floor areas and would result in oppressive and cramped conditions with poor outlook. Furthermore, several of the units would not have any windows, based on the submitted plans. However, the size of the individual dwellings to (be) formed by the change of use and whether, they would have windows/ventilation is not a condition of the GPDO (General Permitted Development Order) for such a change of use.'***

In relation to means of escape (which looks extremely challenging for the upper floor flats, given the absence of windows), the inspector noted that; 'A lack of details as to means of escape... does not result in the proposed development not being (suitable) for new dwellings.' He is of course right under the strict terms of PDR, but post-Grenfell this is now something that might well be flagged up under a normal planning application.

This is perhaps the starkest example yet of what this policy has led to. Unsurprisingly, it has led to a public outcry.<sup>31</sup>



Plans and sections



View from the front, Watford



Side elevation, Watford



Side elevation, Watford

## Case study 7

106 Shirley Road,  
Southampton

This final case study examines the recent conversion of a former fireplace shop/showroom to six studios. Shop conversions fall within Class M, a different type of Permitted Development Right from offices. As the government has recently extended this form of PDR, partly in response to the growing problems faced by local high streets, we can expect to see many more conversions of this type.

This change of use (from Use Class A1 to Use Class C3) is subject to a limit on floorspace; the affected floor area of the building must not exceed 150m<sup>2</sup>. The Prior Approval Report issued by Southampton City Council gives details of the five possible grounds for refusal under Class M as follows:

- a. *'Transport and highways impact of the development*
- b. *Contamination risks in relation to the building*
- c. *Flooding risks in relation to the building*
- d. *The desirability of the proposed residential use in terms of the impact on retail provision*
- e. *Design of the buildings.*<sup>132</sup>

The inclusion of design is encouraging but, judging by this example, means very little. When the request for Prior Approval was submitted, a local resident expressed a number of concerns:

- *'Poor residential environment due to the proximity of the public houses*
- *Impact of noise*
- *Overdevelopment*
- *Shortage/loss of car parking*
- *Too near/affecting boundary*
- *The drawings show cycle parking for six which does not include parking for the flat on the second floor*
- *Poor design*
- *Traffic*
- *Road safety.'*

The Council deemed the first six to be *'not material to the determination of this application'* and dismissed *'traffic'* and *'road safety'* because *'Highways Development Management'* did not oppose the scheme. *'Poor design'* was also dismissed as the Case Officer considered that *'the design is judged not to be significantly harmful.'*

Admittedly, the original fireplace shop had few redeeming features and the immediate environment has much to be desired, but it is difficult to find any positive words to describe the conversion.

**The council appears to have interpreted 'poor design' to relate only to the external appearance of the building, and even then, seemed to feel that refusal implied the need to prove significant harm.**

The photographs and drawings speak for themselves; the six studios, which appear to be around 15-18m<sup>2</sup>, are so narrow that even the single beds have to abut the wall. Each studio is entered directly from the pavement. Apart from a window to the corner flat, the north elevation to Andover Road comprises a row of four new front doors, each with a sidelight. These are the only source of daylight to the four studios concerned and, because of the orientation, none will receive sunlight.

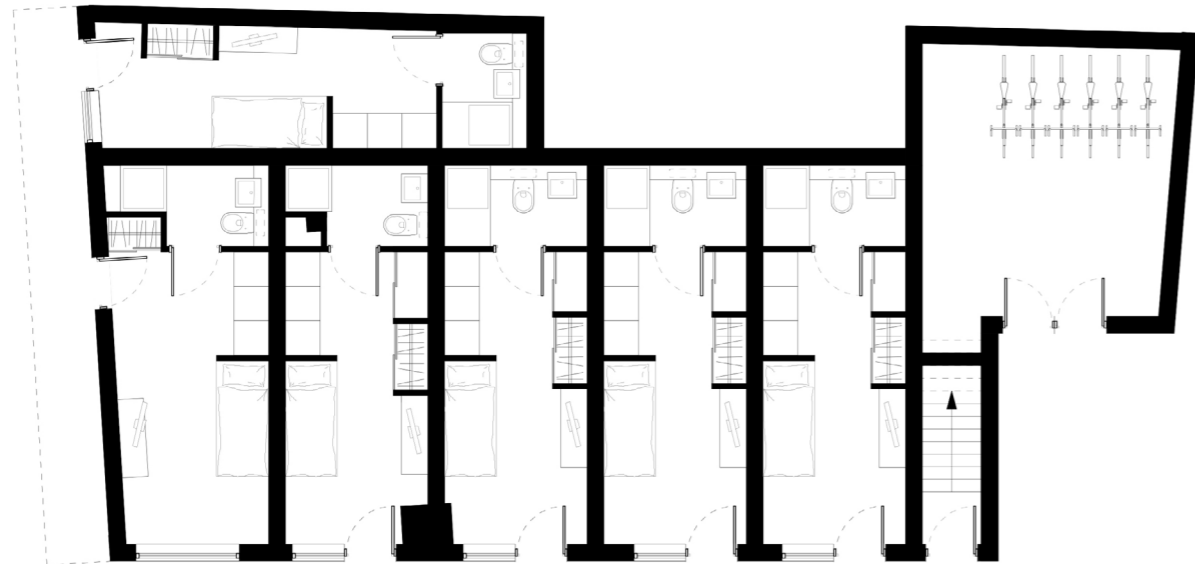
To make matters worse, while the elevation shows a set of identical openings, the sidelights in the finished building, vary; the one on the far right looks to be no more than 200mm wide. Despite the meanness of the windows, the fact that blinds were down and curtains drawn in the middle of the day suggests that the occupants feel exposed or vulnerable, due to the lack of privacy.



Proposed north elevation



Shirley Road, Southampton – before: the fire centre shop front



Proposed ground floor plan



Shirley Road, Southampton – after: converted into six studios

# Annex

## The Nationally Described Space Standard (NDSS)

We have been clear throughout this report that the lack of internal space in so many of these conversions is not the only drawback and nor is necessarily the worst, but it does characterise a large proportion of the new homes created through PDR. It is also the issue that causes most concern among the public; people generally know when small has become too small and tend to be quite consistent in their judgements.

In the vast majority of cases, the flats created through PDR are not undersized due to any physical constraints posed by the existing buildings. Offices come in all shapes and sizes, but most are reasonably large, generic, rectangular spaces, often open-plan with some internal columns, and accessed by lift and stair cores, and corridors.

In all of the case studies featured in this report and in the other examples we have seen, it would have been easy to provide flats of a decent size from a practical perspective. The decision to maximise numbers has been a conscious one, taken by developers for financial reasons, safe in the knowledge that the local authority has no right to object. We have found many instances where having gained Prior Approval for a given number, the same developer (or a new owner) go back for more, sometimes multiple times.

**Subject to Building Regulations, PDR offers no grounds on which to refuse any dwelling that offers a WC, shower, sink, hob, and somewhere to sleep. As we have demonstrated, there are no grounds on which to require daylight either.**

The Nationally Described Space Standard was one of the main outcomes of the government's review of 'Local Housing Standards', which took place between 2012 and 2015. A deregulatory exercise, designed to 'cut red tape' and boost housebuilding after the global recession of 2007-8, few would have predicted that it would result in our first ever national, cross-tenure, space standard. The fact that it did, was largely due to overwhelming public support.

The first of two public consultations on the package of streamlined standards proposed by the government, was published in 2013 – ironically, the same year in which the three-year trial of PDR began. When asked 'whether a national space was needed' 80% of those who responded to the question ticked 'YES'. 83% agreed that the figures proposed were either 'about right or too low'. This unprecedented mandate was too strong to ignore.

Despite this, regulation was never offered. The NDSS, which applies to conversions as well as new build housing, came into force in October 2015, but only as standard that local authorities could opt into through their Local Plan. To do so, they must first demonstrate need and viability; neither is easy.

Six months later, the government confirmed that it would be making office-to-resi PDR permanent. In doing so it deliberately created a loophole allowing developers to ignore the NDSS even in those areas which had fought to adopt it.

Notwithstanding the blatant inconsistency of government policy, the main issue is the impact that insufficient living space can have on people's lives. Undeniably life-limiting from a practical point of view, we have mounting evidence of the psychological harm that can also result from being denied the space you need. These impacts are often more acute on people who are already vulnerable. Increasingly, these are the very people knowingly being housed in the worst PDR conversions.

Like all of the space standards that preceded it, the NDSS is a minimum standard, designed to ensure that a home is capable of functioning adequately when fully occupied. The minimum internal floor areas for each dwelling type allow for a range of everyday activities and a basic set of generic fixtures, fittings and furniture, which vary according to the number of rooms and bed spaces. With the possible exception of a desk and chair in each bedroom, the furniture is minimal; in a double or twin room two people are expected to share a small chest of drawers and the desk, and each person is allocated just 600mm of hanging space for clothes. Most of the furniture is considerably smaller than we see in current homes.

On the following pages, we compare the smallest one and two person flats in Newbury House with examples of one and two person flats designed to meet the NDSS. More information about the development of the NDSS is available in 'One Hundred Years of Housing Space Standards: What now?'.<sup>33</sup>

NDSS Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)

Number of bedrooms	Number of bed spaces	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37)*	-	-	1.0
	2p	50	58	-	1.5
2b	3p	61	70	-	2.0
	4p	70	79	-	
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

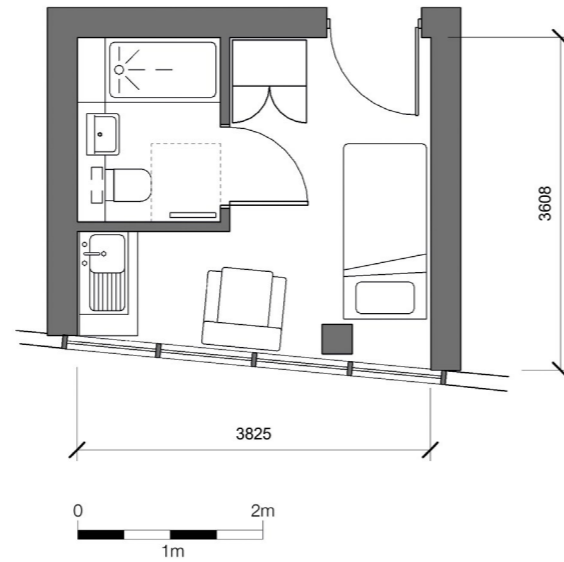
\* Notes (added 19 May 2016)

- Built-in storage areas are included within the overall GIAs and include an allowance of 0.5m<sup>2</sup> for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.
- GIAs for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with five or more bed spaces. GIAs for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the GIA provided that all aspects of the space standard have been met.
- Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>, as shown bracketed.
- Furnished layouts are not required to demonstrate compliance.<sup>34</sup>

## Comparison between the smallest one person studio in Newbury House and a one bed flat that complies with the NDSS

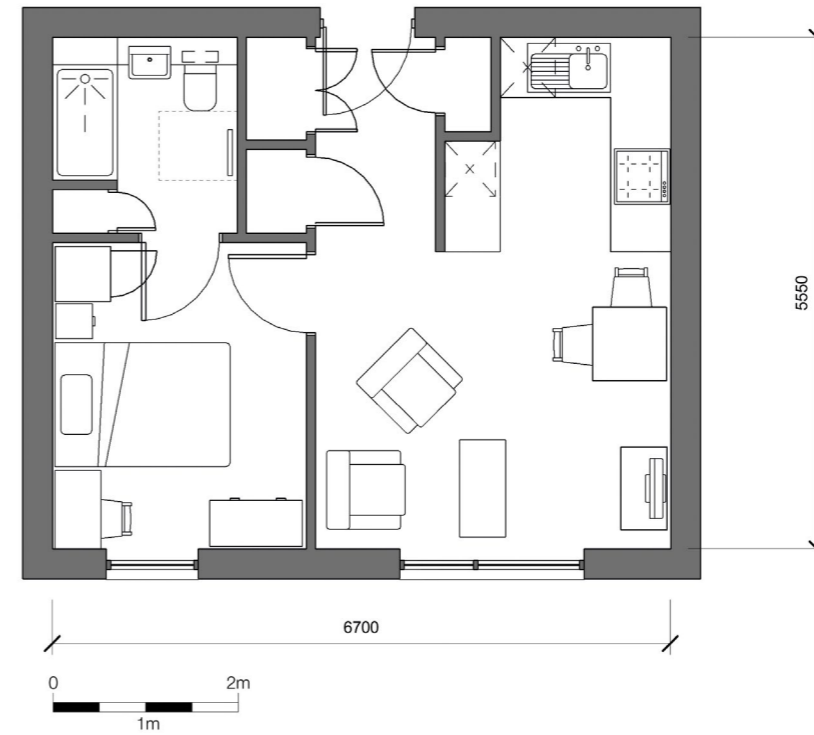
The drawing on the right is a reproduction of the smallest studio in Newbury House, (flat number 9 on the floor plan shown on page 15). We have increased the size of the shower room to meet the minimum provisions of Part M of the Building Regulations on the assumption that the developer will have been required to do so. In all other respects it reflects the plan accepted by LB Redbridge Council.

At 13m<sup>2</sup>, this single person studio is just over a third of the 37m<sup>2</sup> required under the NDSS. Beneath it we have shown the additional furniture that the NDSS allows for, but that simply doesn't fit. In a recent tribunal case, the judge ruled that an adult had a right to expect a double bed. We have therefore included one, noting that this item would be a substitute for the single bed shown in the plan, not additional to it. We have also shown built-in general storage provision of 1m<sup>2</sup>, as required by the NDSS for a single person dwelling, with additional space for heating and ventilation equipment and consumer units etc.



**Newbury House single studio 13m<sup>2</sup>**

The column is clearly making things even worse. The floor plan on page 17 shows that while all the internal walls are new, little attempt has been made to integrate the existing structure. The focus is on numbers; a quick analysis suggests that the floorplate is just enough for five NDSS compliant flats (2 x 2p and 3 x 1p) – half the number squeezed in.



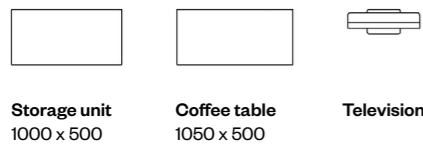
**NDSS compliant one person flat 37m<sup>2</sup>**

The NDSS does not differentiate between a single person studio and a flat. The minimum floor area of 37m<sup>2</sup> (with a shower) deliberately allows for a separate bedroom as that is what most people prefer. We have therefore shown this arrangement.

The difference is stark. This feels like a home; by no means lavish, but at least adequate and dignified.

## What this flat is missing

### Living space



Storage unit  
1000 x 500

Coffee table  
1050 x 500

Television

### Dining space

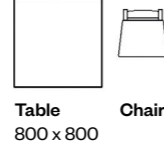
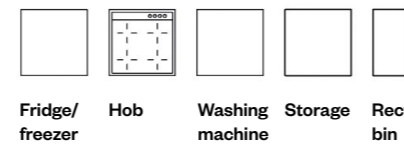


Table  
800 x 800

Chair

### Kitchen



Fridge/  
freezer

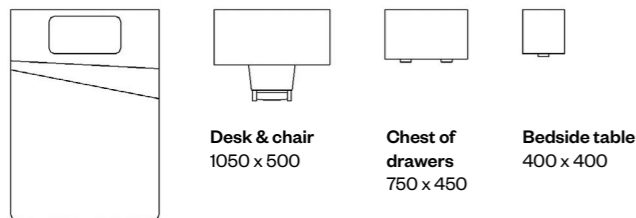
Hob

Washing  
machine

Storage

Recycling  
bin

### Bedroom space

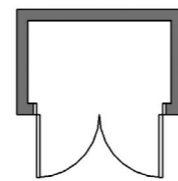


Double bed  
1350 x 1900

Desk & chair  
1050 x 500

Chest of  
drawers  
750 x 450

Bedside table  
400 x 400



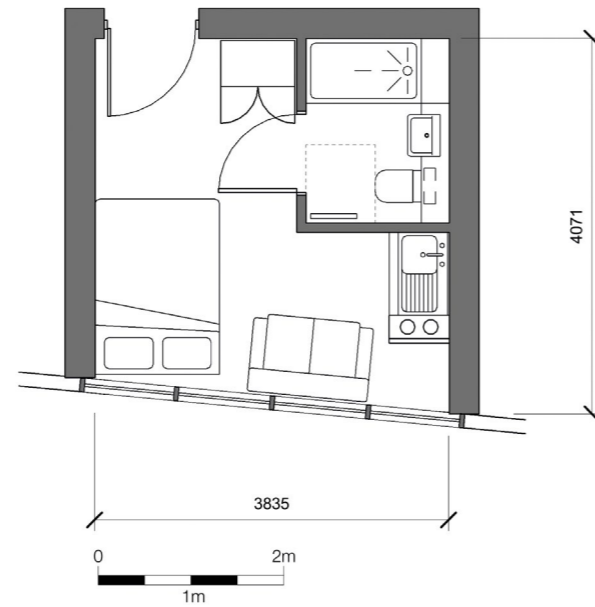
Built in storage  
1m<sup>2</sup>

## Comparison between the smallest two person studio in Newbury House and a two bed flat that complies with the NDSS

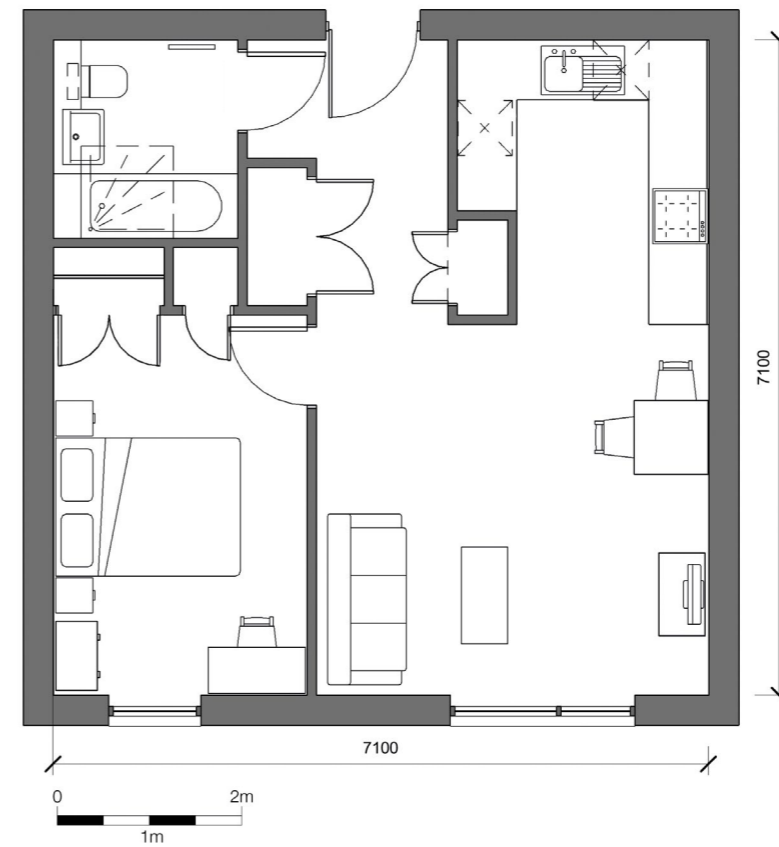
This drawing reproduces the smallest double studio in Newbury House, (flat number 8 on the floor plan shown on page 17). As with the 1 person studio, we have increased the size of the shower room to comply with Part M.

At 14.7m<sup>2</sup>, this is just 29% of the space that the government recommends for a couple. Enlarging the shower room reduces the usable space to just over 12m<sup>2</sup>. If the 1.5m<sup>2</sup> of built-in storage were to be added in, the usable space would reduce to less than 11m<sup>2</sup>, equivalent to 5.5m<sup>2</sup> for each person - the size of a typical family bathroom.

As we demonstrate below, the room can only accommodate a fraction of the furniture considered reasonable. The difference between this and the NDSS compliant flat on the next page, is even starker.



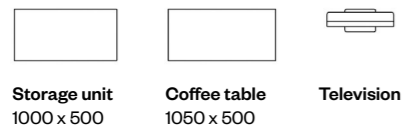
**Newbury House double studio 14.7m<sup>2</sup>**



**NDSS compliant two person flat 50m<sup>2</sup>**

## What this flat is missing

### Living space



Storage unit  
1000 x 500

Coffee table  
1050 x 500

Television

### Dining space

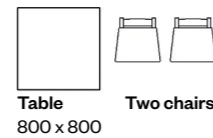
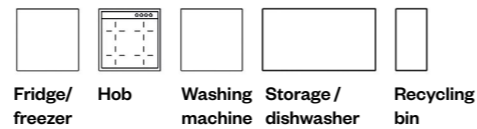


Table  
800 x 800

Two chairs

### Kitchen



Fridge/  
freezer

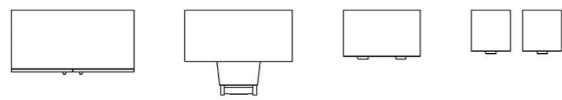
Hob

Washing  
machine

Storage/  
dishwasher

Recycling  
bin

### Bedroom space

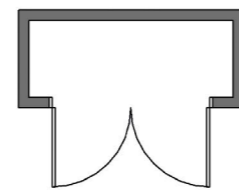


Double wardrobe  
1000 x 600

Desk & chair  
1050 x 500

Chest of  
drawers  
750 x 450

Two bedside  
tables  
400 x 400



Built in storage  
1.5m<sup>2</sup>

# Endnotes

- <sup>1</sup> RICS (2018) Assessing the impacts of extending permitted development rights to office-to-residential change of use in England <https://www.rics.org/globalassets/rics-website/media/knowledge/research/research-reports/assessing-the-impacts-of-extending-permitted-development-rights-to-office-to-residential-change-of-use-in-england-rics.pdf>
- <sup>2</sup> MHCLG (2017) Fixing our Broken Housing Market (Housing White Paper) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf)
- <sup>3</sup> Jones, R. (2018) As small as 13 sq metres: are these the worst new flats in Britain? <https://www.theguardian.com/money/2018/aug/25/flats-block-converting-offices-living-space>
- Park, J. (2018). A new low in office-to-residential conversions <https://www.bdonline.co.uk/comment/a-new-low-in-office-to-residential-conversions-/5095069.article>
- <sup>4</sup> Jessel, E. (2019). Office-to-resi: is it time for architects to boycott? <https://www.architectsjournal.co.uk/news/office-to-resi-is-it-time-for-architects-to-boycott/10038933.article>
- <sup>5</sup> RICS (2018)
- <sup>6</sup> <https://www.local.gov.uk/open-letter-permitted-development-rights>
- <sup>7</sup> <https://www.topa.org.uk/room-to-breathe-the-campaign-for-basic-national-housing-standards>
- <sup>8</sup> New measures to breathe life into empty buildings and boost growth. <https://www.gov.uk/government/news/new-measures-to-breathe-life-into-empty-buildings-and-boost-growth>
- <sup>9</sup> Residential—Part 1. EGi, London. EGi PD Rights-Part 2. EGi, London. EGi Office to residential-Changes in Permitted Development Rights- Part 3. EGi, London. RICS (2018)
- <sup>10</sup> DCLG Relaxation of planning rules for change of use from offices to residential: Impact assessment. [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/207922/Relaxation\\_of\\_planning\\_rules\\_for\\_change\\_of\\_use\\_from\\_offices\\_to\\_residential\\_-\\_impact\\_assessment.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207922/Relaxation_of_planning_rules_for_change_of_use_from_offices_to_residential_-_impact_assessment.pdf)
- <sup>11</sup> RICS (2018)
- <sup>12</sup> London Councils (2015) Permitted Development Rights for Office to Residential Conversions. London Councils, London
- <sup>13</sup> RICS (2018)
- <sup>14</sup> RICS (2018)
- <sup>15</sup> London Councils (2015)
- <sup>16</sup> GLA (2017) London Office Policy Review 2017, with Radimus Consulting. Greater London Authority, London
- <sup>17</sup> <https://www.gov.uk/government/collections/housing-health-and-safety-rating-system-hhsrs-guidance>
- <sup>18</sup> <https://www.gov.uk/government/publications/homes-fitness-for-human-habitation-act-2018>
- <sup>19</sup> [http://www.residential-property.judiciary.gov.uk/search/decision\\_search.jsp](http://www.residential-property.judiciary.gov.uk/search/decision_search.jsp) (Case ref (MAN/00DA/HPO/2017/0004, 0005, 0006, 0007, 0008, 0009, 0010 and MAN/00DA/HPO/2018/0003))
- <sup>20</sup> MHCLG (2017)
- <sup>21</sup> RICS (2018)
- <sup>22</sup> <https://www.redbridge.gov.uk/planning-and-building/planning/>
- <sup>23</sup> [https://www.whatdotheyknow.com/request/housing\\_benefit\\_paid\\_to\\_resident?unfold=1#incoming-1223755](https://www.whatdotheyknow.com/request/housing_benefit_paid_to_resident?unfold=1#incoming-1223755)
- <sup>24</sup> <https://planning.lambeth.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJO9YSBO08M00>
- <sup>25</sup> <https://www.harlow.gov.uk/planning-register>
- <sup>26</sup> <http://moderngov.harlow.gov.uk/documents/s12512/Review%20of%20the%20Impact%20of%20Permitted%20Development.pdf>
- <sup>27</sup> <https://publicaccess.barnet.gov.uk/online-applications/search.do?action=simple&searchType=Application>
- <sup>28</sup> <https://publicaccess.barnet.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSIRRJJI09W00>
- <sup>29</sup> <https://www.thetimes.co.uk/article/developer-s-flat-is-smaller-than-a-taxi-8xnthx63t>
- <sup>30</sup> <https://pa.watford.gov.uk/publicaccess/> (Ref: 18/01306/OPD)
- <sup>31</sup> <https://www.homesandproperty.co.uk/property-news/permited-development-officetoresidential-developer-wins-right-to-build-windowless-studios-in-a132061.html>
- <sup>32</sup> <https://www.southampton.gov.uk/planning/planning-applications/>
- <sup>33</sup> <http://housingspacestandards.co.uk/>
- <sup>34</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_\\_\\_Final\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard___Final_Web_version.pdf)

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