
Appeal Decision

Site visit made on 27 March 2017

by Philip Lewis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 April 2017

Appeal Ref: APP/B5480/W/16/3165465
240 Rainham Road, Rainham RM13 7TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Abdul Ghafar against the decision of the Council of the London Borough of Havering.
 - The application Ref P1414.16, dated 22 August 2016, was refused by notice dated 17 November 2016.
 - The development proposed is described as 'double storey, front and single storey rear extension with conversion from one house to two self-contained units'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - Whether future occupiers would be likely to experience acceptable living conditions with particular reference to internal living space;
 - The effect of the proposed parking provision on highway safety; and
 - Whether the proposal makes appropriate provision for infrastructure, with particular regard to school places.

Reasons

Living conditions

3. The Mayor of London in the Housing Standards Minor Alterations to the London Plan 2016 (MALP) has adopted the Nationally Described Space Standard (NDSS). London Plan Policy 3.5 includes amongst other things that housing developments should be of the highest quality internally and that new homes should have adequate sized rooms and convenient and efficient room layouts which are functional and fit for purpose and that the Mayor and Boroughs should seek to ensure that new development reflects these standards. The NDSS sets out minimum gross internal floor areas required for new homes relative to their occupants and taking into account commonly required furniture and spaces needed for different activities and moving around.
 4. In this case two units of accommodation would be provided. It is not disputed by the parties that the one bedroom unit at about 56 square metres of floorspace would not meet the NDSS and MALP minimum floor space
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requirement of 58 square metres. I note also that the built in storage space requirement of 1.5 square metres is not met. The size of the two bedroom unit is not in dispute.

5. At about 12.44 square metres, the proposed double bedroom exceeds the NDSS requirement and I am satisfied that the proposed bathroom, living room and kitchen/dining rooms would be adequately sized and laid out within the proposed dwelling. However, there is no provision indicated in the unit for dedicated storage space and consequently, this lack of dedicated provision would give rise to an erosion of the usable internal space. Given that the unit falls below the minimum standard in terms of total floorspace, this shortfall and the lack of dedicated storage space would inevitably give rise to cramped living conditions for future occupiers.
6. I have considered that the recess in the proposed bedroom may be able to accommodate a wardrobe and still leave an adequate room. However, I consider that it has not been demonstrated that this would meet the storage requirements of the unit as a whole. In addition, whilst additional floorspace could be provided through a rear extension of a larger footprint, such a scheme is not before me.
7. I have had regard to the appeal decision¹ referred to me by the appellant in which I note the Inspector allowed the appeal where a proposed bedroom was below the double bedroom size as set out in the NDSS. However, from the limited details before me, I am not convinced that circumstances of that case are sufficiently similar to that before me.
8. The appeal proposal conflicts therefore with Policy 3.5 of the MALP and fails to meet the requirements of NDSS. In addition, I find conflict with London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) Policy DC61 which is concerned with urban design and amongst other things includes that development meets the needs of all people of all ages.

Highway safety

9. I saw at my site visit that the host dwelling has a double garage to the rear, accessed from a courtyard off Fyfield Road. It is proposed that each of the dwellings which would result from the proposed development would be provided with one garage space in the sub-divided garage.
10. The appeal site is stated to have a PTAL of 1b, which is low. The Highways Authority has objected to the proposal as it considers that parking should be provided to a standard of 1.5-2 spaces per unit. The Council are concerned that the appeal proposal would give rise to unacceptable parking overspill onto the adjoining roads with adverse effects upon highway safety and the quality of the environment of neighbouring occupiers due to additional vehicle movements and manoeuvring in the roads close to the appeal site.
11. DPD Policy DC2 sets out that car provision for new housing in areas with a PTAL of 1-2 should be 1.5-2 spaces per unit. DPD Policy DC33 sets out that car parking provision within new developments should not exceed the maxima which are based on those provided in the London Plan. I have had regard to the appellant's comments regarding the London Plan Parking Standards which

¹ APP/D1590/W/16/3151252

were updated in March 2016 in the Parking Standards Minor Alterations to the London Plan (MALP). These set out maxima for dwellings in suburban locations with a PTAL of 0-1 of up to 2 spaces. In this regard, I find that the appeal proposal with a provision of 1 space per unit does not exceed the maximum standards for car parking provision as set out in the MALP.

12. I saw at my site visit that on-street parking is available nearby on Fyfield Road and my observations accord with the appellant's statement that the street is not heavily parked. I consider on the balance of evidence therefore that the level of car parking provision proposed to be acceptable in this particular suburban location, given the small scale of the proposal and the proposed and available on-street parking existing in the wider area. Furthermore, I do not consider that the appeal scheme would give rise to unacceptable harm to the amenities of neighbouring occupiers due to additional vehicles movements and manoeuvring in the roads, given the small number of potential movements which may arise.
13. To conclude on this matter, the appeal proposal does not conflict with the maximum parking standards set out in Policy 6.13 of the MALP. I also find that the appeal scheme does not conflict with DPD Policy DC32 which includes amongst other things that new development which has an adverse impact on the road hierarchy will not be allowed, or with DPD Policy DC33. In addition, the appeal proposal does not conflict with DPD Policy DC61 which is concerned with urban design and amongst other things includes that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise impact, hours of operation, vibration and fumes between and within developments. The appeal proposal does not meet the car parking provision requirement as set out in DPD Policy DC2, but I nevertheless find it accords broadly with development plan policy in this regard. In addition I do not find that the proposal conflicts with the National Planning Policy Framework (the Framework) in this regard.

Infrastructure – school places

14. DPD Policy DC72 seeks to ensure that new development provides for sustainable development through securing contributions towards infrastructure where the appropriate tests are met. Policy 8.2 of the London Plan includes amongst other things that development proposals should address strategic as well as local priorities in planning obligations. DPD Policy DC29 is concerned with the provision of primary and secondary education facilities including by seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the development.
15. Whilst the DPD Policies predate the Framework, they remain broadly consistent with paragraph 203 which states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 204 of the Framework states that where planning obligations are sought, they must meet all of the three tests. The three tests are also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 require that planning obligations should be necessary to make the development acceptable in planning terms; directly relates to the development; and, fairly and reasonably related in scale and kind to the development.

16. The Council has stated that its Planning Obligations SPD 2013 is out of date in terms of the pooling of contributions due to Regulation 123 of the CIL Regulation. However, the evidence as set out in the supporting technical reports demonstrates a need for school places across the borough and I note that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The Council is seeking a contribution of £6000 per new dwelling, a figure derived from the Planning Obligations SPD which includes 3% of the total sought to be to monitor the obligations to ensure that no more than five contributions would be pooled for individual projects. Whilst no specific project has been identified by the Council which is directly related to the development, it is clear from the evidence that the monies would be targeted at providing additional school places, which are not allocated on a geographical or a catchment basis.
17. The appellant is disputing the need for the appeal scheme to make a contribution towards education. It is clear that whilst the property would be extended and sub divided to form two units of accommodation, the existing three bedroom property would be replaced by a 2 bedroom 3 person unit and a 1 bedroom 2 person unit. Consequently, given that no new family sized accommodation is proposed, I am satisfied that the appeal scheme will not give rise to any significant additional educational requirement over the existing dwelling. Therefore, in these circumstances, I do not consider that an education contribution is necessary to make the development acceptable in planning terms as per paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010.
18. I have had regard to the appeal decisions² referred to me by the Council, but I have limited details of those schemes and am not aware what information was before the Inspectors. I do not know whether therefore the circumstances of those cases are sufficiently similar to that before me to lead me to a different conclusion. To conclude on this matter, the appeal scheme makes adequate provision for local infrastructure within the area and does not conflict with DPD Policies DC29 and DC72 and London Plan Policy 8.2.

Other matters

19. The appellant has set out that the Council is unable to demonstrate a five year supply of deliverable housing sites and has referred to London Plan Policies 3.3, 3.4 and 3.5 regarding housing. The addition of one net dwelling unit would however have a minimal effect upon housing supply. I have also had regard to paragraph 17 of the Framework in that the appeal site constitutes a previously developed site. These matters do not outweigh the harm that I have found in respect of living conditions.
20. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development. In terms of the social dimension, whilst the proposal would contribute to housing supply, the proposed one bedroom unit would not provide adequate accommodation for future occupiers in terms of living space and therefore the appeal proposal would not constitute sustainable development as required by paragraph 14 of the Framework.

² APP/B5480/W/16/3157634, APP/B5480/W/16/3153735, APP/B5480/W/16/3160652,

Conclusion

21. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR