



Appeal Decision

Site visit made on 17 April 2019

by M Seaton DipTP MRTPI

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

Decision date: 23 July 2019

Appeal Ref: APP/B5480/W/19/3220714

15 Mildmay Road, Romford, RM7 7DA

- 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 Hollington against the decision of the Council of the London Borough of Havering.
 - The application Ref P1390.18, dated 11 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is the change of use and conversion from shop unit to one flat dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ronnie Hollington against the Council of the London Borough of Havering. This application is the subject of a separate Decision.

Main Issues

3. The main issues are;
 - whether adequate provision is made for the living conditions of the occupiers of the proposed dwelling, having regard to the availability of internal floorspace, outlook, privacy, and the overall quality of external amenity space; and
 - whether the proposed development makes adequate provision for vehicular and cycle parking and provides suitable access to the cycle parking and refuse and recycling storage.

Reasons

4. The appeal site occupies the ground floor of a property on the southern side of Mildmay Road and is located within a row of terraced residential units. The ground floor was previously occupied as a shop unit, although at the time of my visit much of the evidence of the previous use had been removed. The ground floor property has been extended to the rear and possesses a modest outdoor area and an outbuilding used for storage to the rear. The first-floor accommodation retains an access via an external staircase to the rear of the property and is self-contained.

Living conditions

5. The Council has highlighted concerns over the quality of the proposed accommodation which would be available for future occupiers. These particularly relate to the adequacy of the internal floor space and layout, and the suitability of the plot layout and external amenity space.
6. The proposed development indicates the provision of a 1-bed 2-person (1b2p) unit. The gross internal area (GIA) has been assessed against the nationally described space standard (*DCLG: Technical housing standards - nationally described space standard 2015*), which sets out that the minimum GIA for a 1b2p unit would be 50m². Whilst I have had regard to the appellant's reference to an assessment of the proposal as a 1b1p unit being policy compliant in respect of GIA, it is quite clear from the plan submissions that this is not what was intended through the proposed conversion.
7. I accept the appellant's point that a scheme of conversion must work largely within the constraints of the existing building, but there would nevertheless be a shortfall of approximately 1-1.5m² GIA under the minimum residential space standard requirements for this size of unit. Even allowing for the relatively small shortfall, this would undoubtedly result in the living conditions of future occupiers of the unit being compromised through reduced space. Whilst I have noted the appellants suggestion regarding the possible addition of a bay window to address the shortfall, this does not form a part of the proposed development and I have not therefore attached any significant weight to this proposition.
8. I share the Council's concerns regarding the impact of the specific layout of the development on future occupiers. I have had regard to the appellants observation that a re-orientation or 'mirroring' of the proposed accommodation would result in a more awkward and less usable layout than as currently submitted, albeit that there is no demonstration as such. However, I note that the layout of the development as proposed includes an open plan living room/kitchen of significant depth, which would be reliant on a single north-facing window. Based on my observations and in the absence of any technical submissions addressing the availability of light, I am satisfied that a result of the proposed layout would be that an insufficient level of natural light would be available to the whole accommodation within the front part of the proposed unit. This would result in a significant erosion of the quality of the accommodation and the living conditions for future occupiers.
9. I have also considered the effect on the living conditions of future occupiers with regards the arrangement of the bedroom and have had regard to the location of the outbuilding to the rear of the appeal site and its relationship with the proposed French doors to the bedroom. Due to the width and height of the proposed French doors, the south-facing orientation of the rear elevation of the proposed unit, and having regard to the vertical scale and distance from the outbuilding to the rear, I am not persuaded that the level of light which would be available would result in an unacceptable impact on the living conditions of future occupiers in this respect. However, I do accept that the outlook from the bedroom would be largely dominated by the existing outbuilding, and I regard the proximity to result in a relationship which would be comparatively oppressive in terms of outlook, and therefore harmful.

10. With regards the issue of privacy to both the bedroom and the external amenity space, I have noted the position of the existing external staircase access to the first floor flat. However, in both instances I consider that, as has been demonstrated through the additional plan submitted with the appeal, it would be possible to mitigate the potential for an unacceptable loss of privacy through the addition of an appropriate level of screening. I note that this is a matter which has been considered by the Council as being capable of being addressed satisfactorily by condition, in accordance with the suggested conditions submitted with the Council's Statement, and I would agree with this.
11. Turning to the external amenity space, it would be comparatively limited in its size, although I note that the Council has highlighted that the Residential Design Supplementary Planning Document: Design for Living 2010 (SPD) does not specify an exact requirement for outdoor amenity space in terms of area. Nevertheless, I agree with the Council's conclusions regarding the practicality and usability of the outdoor space which I consider would be of only very limited use for a basic range of complementary functions and activities for the size of unit proposed. However, I do accept that as separate refuse and cycle storage facilities would be available within the existing outbuilding which would not therefore need to be accommodated within the outdoor space.
12. I have also noted the reference made in the submissions to an area of amenity space to the front of the appeal property. However, whilst this would have the potential to be characteristic of the provision elsewhere within the vicinity, its value other than on a visual basis would be limited as it would not provide users with a particularly usable or private area.
13. I am satisfied that the proposed development, subject to the imposition of an appropriate condition, would make adequate provision for the privacy of future occupiers. However, the proposed external amenity space would be of limited size and usability, and the layout of the unit would not meet the minimum space standards for its future occupation and would not make an acceptable provision for future occupiers with regards access to natural light or outlook. Cumulatively these issues would result in a significant impact on the overall quality of the accommodation, and an unacceptable impact on the living conditions for future occupiers.
14. The proposal would not therefore accord with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (the Core Strategy), and the SPD. This policy and guidance seek to ensure that development meets the needs of all people of all ages, is of the highest quality internally, externally and in relation to their context, and provides good daylight to the home.
15. I have had regard to the Council's reference within the first reason for refusal to Policy DC55 of the Core Strategy relating to noise, although no evidence has been adduced by the Council in support of conflict with this policy, and I am not persuaded that the proposed use would fail to accord with the policy in this regard. Similarly, I have not found there to be conflict with Policy 7.4 of The London Plan: The Spatial Development Strategy for London Consolidated with Alterations Since 2011, 2016 (the London Plan), which addresses development and local character.

Parking and access

16. The Council has expressed concerns over the provision made by the proposed development with regards issues of access, servicing and parking, and the consequent effects on highway safety and residential amenity.
17. The appeal site is located within a Controlled Parking Zone (CPZ) and does not possess any existing off-street parking. The site has been identified by the Council as having a Public Transport Accessibility Level (PTAL) of 1b (poor), which attracts a parking standard of 1-1.5 spaces per unit for a flat. However, the PTAL assessment is disputed by the appellant in the Grounds of Appeal, with further correspondence with Transport for London's City Planning Team received during the appeal confirming that the PTAL for the appeal site should have been set at level 3.
18. Whilst I have had regard to the submissions related to the PTAL designation and the Council's assessment of parking need, I note that the appellant has in any event identified within the Grounds of Appeal that the existing property the subject of this appeal already benefits from access to a parking permit. Given the Council's submissions and irrespective of which PTAL level the appeal site is identified as being located within, the availability of a parking permit would meet the lower end of the range of highlighted demand for parking associated with a flat in PTAL 1(b). In this regard, and in the absence of any detailed submissions related to parking stress in the wider area and the CPZ, I am not persuaded that the conversion to a residential unit would lead to the overspill in parking and strain on the area contended by the Council.
19. Turning to access to the cycle parking and waste/recycling storage, I have carefully considered the Council's contention that accessibility to the outbuilding to the rear where provision is to be made would be reliant on access through the flat itself, and in particular, the bedroom. However, it is evident from my observations that the first floor flat, along with other neighbouring properties and indeed the existing outbuilding, benefit from access across a shared rear access, with a sign directing access to No. 15a Mildmay Road observed on the wall of the access on the street frontage. The appellant confirms that this arrangement allows the placing of refuse and recycling on to the street frontage for the various properties, and I have no evidence from which to dispute that this arrangement will not continue in the future, and to the benefit of the appeal property.
20. On the basis of the submitted evidence, I am satisfied that the proposed development has demonstrated that adequate provision for vehicular and cycle parking and suitable access to cycle parking and refuse and recycling storage can be provided. The proposal therefore accords with Policy DC33 of the Core Strategy and Policy 6.13 of The London Plan, which seek to address car parking levels, as well as Chapter 9 of the Framework which promotes sustainable transport, and access for all.

Other Matter

21. The appellant contends that the reversion of the premises to its previous use as a retail unit does not represent a possible 'fall-back' position for commercial reasons, and that no more than limited weight may be ascribed to such a position. Whether or not this may be the case, there is no evidence adduced to

support this conclusion and it has not been of any significance in my determination of the planning appeal.

Planning Balance

22. The appellant has highlighted that, with reference to the *Havering Local Plan 2016-2031: Housing Position Statement March 2018*, the Council is unable to demonstrate a 5-year supply of deliverable housing land. It is identified that the considerable shortfall in provision against the objectively assessed housing need as set out in the 2018 Monitoring Report, leaves the Council only able to demonstrate a 3.95-year level of supply.
23. As a consequence, the appellant contends that paragraph 11 of the Framework and therefore the *tilted balance* and the presumption in favour of sustainable development would be engaged. This conclusion has not been disputed by the Council, and in the absence of any further evidence or an updated position, I have no reason to disagree with the appellant's contention.
24. The provision of an additional dwelling to the local housing market would be an undoubted social benefit of the proposed development, albeit given the quantum of development the weight to be attached would be very limited. The local economy would also have the potential to have some limited benefit during the construction period and through expenditure from future occupiers, and would bring a vacant unit back into use. I have also noted the relative accessibility of both local services and facilities and those available in Romford Town Centre.
25. However, I have found that the living conditions of future occupiers would, because of the failure to achieve a minimum standard GIA, an acceptable level of natural light within the main open plan living room/kitchen and outlook from the bedroom, and a practical and usable area of external amenity space, be significantly adversely affected.
26. In this regard and even on the basis that paragraph 11(d)(ii) of the Framework and the need to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits is engaged, when assessed against the policies in this Framework taken as a whole I conclude that the harm which I have identified to the living conditions of future occupiers would significantly and demonstrably outweigh the benefits.

Conclusion

27. For these reasons, the appeal should be dismissed.

Martin Seaton

INSPECTOR