



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: 24 July 2019

Appeal Ref: APP/B5480/W/18/3219036

2 Walden Avenue, Rainham, RM13 8DU

- 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 W Onderski against the decision of the Council of the London Borough of Havering.
 - The application Ref P1485.18, dated 2 October 2018, was refused by notice dated 6 December 2018.
 - The development proposed is the change of use of 2 semi-detached dwellings to Houses in Multiple Occupation (HMOs).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - whether the proposed development makes adequate provision for vehicular parking having regard to the highway safety of the area; and,
 - whether adequate provision is made for the living conditions of future occupiers having regard to the internal layout and availability of internal floorspace.

Reasons

3. The appeal site is occupied by a semi-detached pair of recently completed dwellings, with accommodation arranged over 3 floors including within the roof storey. The internal arrangements have largely been completed in accordance with the proposed plans rather than those previously approved by virtue of planning permission Ref. P1319.17 dated 18 April 2018. Each property possesses a broadly west-facing rear garden as well as a vehicular hardstanding to the front on to Walden Avenue.

Highway safety

4. The proposed development is located in close proximity to the junction between Walden Avenue and New Road, the latter being the A1306 and a dual carriageway. Whilst the majority of Walden Avenue and other surrounding roads are predominantly residential in character, the area close to the appeal site is far more mixed, with adjoining sites to the south occupied by

commercial units as well as on the opposite side of Walden Avenue to the south-east.

5. The proposed development would result in each of the properties being converted to comprise 6 bedrooms and a top-floor studio flat accommodated within the roof storey. Each property would possess two off-street parking spaces provided on the front hardstanding. However, despite the provision the Council has identified that there would be an overall shortfall in the level of parking which would be required for each of the properties and HMOs, which is indicated to be at a ratio of 1 space per two rooms within HMOs.
6. I have carefully considered the wording of Policy DC33 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (the Core Strategy). This policy addresses car parking provision within new developments and that it should not exceed the maxima set out locally and in The London Plan: The Spatial Development Strategy for London Consolidated with Alterations Since 2011, 2016 (the London Plan). Policy 6.13 of The London Plan highlights that the consideration of planning applications should for housing development in parts of Outer London be informed by policy and guidance for areas with low public transport accessibility (PTALs 0-1) and should consider higher levels of provision taking into account current and projected pressures for on-street parking.
7. I note that neither in determining the planning application nor in their appeal submissions, has the Council provided any conclusive evidence that the proposed development would not accord with Policy DC33 of the Core Strategy. The policy clearly sets out that parking should be assessed as a maxima rather than a minimum level which the appeal proposals clearly accord with. Furthermore, whilst I have had regard to the approach advocated for housing in Outer London Boroughs in areas with low PTAL (0-1) scores within the London Plan, the Council has identified the appeal site as being within PTAL 2 area, which would not in accordance with the development plan as brought to my attention justify that a higher level of provision should be provided. In this regard I observed the proximity of nearby bus stops on New Road as well as the high frequency of service and the 24-hour timetable available on at least one of the routes, which despite the poor PTAL rating I consider on the face of it to be a reasonable barometer of the accessibility of public transport for future occupiers.
8. Turning to an assessment of the current pressures on on-street parking, I have noted the Council's observations of parking congestion as set out in the Officer Delegated Report, and I also observed the surrounding streets at the time of my visit to be comparatively busy with parking. However, there was both available capacity for parking on-street and I noted that many properties also benefitted from existing off-street parking. I do not disagree with the appellant's contention that much of the parking close to the appeal site relates to the nearby commercial units, one of which appears to have an extant planning permission for residential development, and although there is no conclusive evidence that this is the major contributor for on-street parking it is likely that this is an important factor during the daytime. Nevertheless, in the absence of any compelling technical evidence regarding on-street parking levels and capacity, I am not persuaded that based on my observations the area around Walden Avenue is under such levels of parking stress as to warrant the refusal of planning permission on this ground.

9. In reaching my conclusions on parking, I am mindful that there would also be a requirement for parking associated with the top floor studio flat in each property, with the Council's Highways Team identifying a maximum requirement of 2-3 spaces between the two properties. This would result in an overall maximum requirement for the proposal of 8-9 car parking spaces, for which 4 spaces have been provided. Nevertheless, for the reasons I have already set out, I do not consider that in light of the level of provision, the existing parking characteristics of the area, and the availability of public transport, that the shortfall from the maximum parking requirement for the proposed development would be sufficient to tip the balance towards an unacceptable impact on highway safety.
10. For these reasons and based on the evidence provided and my own observations, I am satisfied that the proposed development would make provision for an adequate level of off-street parking so that there would not be an unacceptable impact on highway safety. I have not therefore found conflict with Policy DC33 of the Core Strategy.

Living conditions

11. The Council has expressed concerns over the quality of the internal layout which it regards to be cramped and incapable of providing a high-quality living environment for future occupiers. In particular, the Council has referred to the relationship between bedrooms and communal areas in respect of privacy, the potential for noise and light disturbance for those ground floor bedrooms at the front of the properties adjacent to the car parking spaces, and the adequacy of available floorspace for the studio accommodation within the roof storey.
12. I have carefully considered the layout of the properties and whilst I agree with the Council that the overall level of communal space within the properties would be limited, I am not persuaded that in the context of the nature of the accommodation that it would be unacceptably small. I have noted the relationship between the kitchen windows and Bedroom 02 in each property, along with the position of the kitchen sink and cabinets combined with the angle and separation between the windows. However, I am satisfied that the relationship would not result in the potential for an adverse impact on the privacy of the future occupiers of the ground floor room as has been contended.
13. It is inevitable that the use of the parking at the front of the properties would have at least some effect on Bedroom 01 on the ground floor of each property by virtue of the potential for noise and disturbance from vehicular movements along with the impact of headlights during the hours of darkness. In this respect, I do accept the appellant's point that such a relationship between parking areas and ground floor windows is not uncommon or without precedent. However, any such impact would be unlikely to be more than momentary as the manoeuvring of a vehicle takes place and there is no reason to believe that any impact on living conditions would be any more than very limited and therefore of no overall significance.
14. Turning to the studio flats, these must be considered against the standards for self-contained accommodation rather than for individual room sizes as per the remainder of the HMO rooms. Each studio is shown on the proposed second floor plans as comprising a gross internal area (GIA) of 27.64m² and making provision for a 1-bed 2-person (1b2p) unit. Whilst I acknowledge that the

proposed development shows the accommodation as a pair of studio units, the required GIA for such a unit as assessed against the nationally described space standard (*DCLG: Technical housing standards - nationally described space standard 2015*) would be 50m², with even a 1-bed 1-person unit requiring a minimum GIA of 39m², reduced to 37m² where a one person dwelling has a shower room instead of a bathroom. In this instance, there is a substantial shortfall in the GIA for the proposed units which would undoubtedly result in the living conditions of future occupiers of the studio units being compromised through reduced space.

15. I have also had regard to the Council's additional concerns regarding the single aspect of the units, availability of appropriate levels of sunlight, and whether there would be adequate head height within the studio flats.
16. I note that the proposed studio flat would benefit from a reasonable sized west-facing window and east-facing rooflights, and in this respect I see no reason why adequate daylight would not percolate through the unit. However, whilst the incorporation of a single aspect window to the rear with rooflights to the front elevation is not ideal, I am not persuaded that this alone would result in unacceptable living conditions for future occupiers.
17. With regards the impact of floor to ceiling height, I have not been provided with any measurements or cross-section details from which to assess the overall impact on the GIA of reduced floor to ceiling levels. However, given the overall substantial shortfall in the GIA in any event, I do not find this to be a critical issue in the determination of this appeal.
18. I note that the Council has considered matters related to the intensification of the use of the properties over the previously proposed residential use and has ultimately concluded that there would not be any quantifiable harm which would lead to justification for a reason for refusal. I have no reason to disagree with this conclusion and am satisfied that appropriate levels of storage for cycles and refuse/recycling can be satisfactorily accommodated within the appeal site, with the details secured by suitable conditions.
19. Having regard to the above conclusions, whilst I am satisfied that the relationship between communal areas, parking spaces and HMO bedrooms would be acceptable, and that the studio flat would make adequate provision for outlook and daylight, the substantial shortfall in the GIA for the studio flat would result in a significant adverse impact on the living conditions of future occupiers and would provide a poor quality of accommodation. This would not accord with Policy DC61 of the Core Strategy which seeks to ensure that development meets the needs of all people of all ages and is of the highest quality internally and externally.

Other Matters

20. The appellant has indicated that there is an overwhelming demand for HMO accommodation as an affordable form of housing which the Council is seeking to ignore. However, no conclusive evidence of such a demand has been placed before me, and I have not attached any significant weight to this contention. In any event I have not found issue in this instance with either the principle or detail of the HMO accommodation incorporated within either property.

21. I have also had regard to the references made to nearby large-scale future redevelopment and the Rainham and Beam Park proposals, including the construction of a new railway station to service the area. However, on the basis of the evidence before me and my own observations of the wider area, the redevelopment is not at an advanced stage and therefore as and when it comes forward it is likely to be some years in the future. Furthermore, and on a similar basis to my conclusions on demand for HMO accommodation above, this is not a matter of any significance in my decision-making at this juncture.
22. I note that interested parties have also referred to some additional concerns including the principle of introducing HMOs in the area, the potential for overlooking of neighbouring properties and a loss of privacy, and a loss of daylight.
23. With regards the principle of the development, the Council has made clear reference to the policy basis within the Core Strategy which supports the principle of HMOs in residential areas, subject to adherence with various criteria. In this instance, I have addressed matters related to parking and the living conditions of future occupiers of the HMO bedrooms above in the main reasons, and the Council has not highlighted any further areas of concern which would be unable to be appropriately addressed, a position with which I would agree.
24. In respect of the concerns regarding levels of privacy and daylight available to neighbouring occupiers, the proposed development does not involve any external alterations from the development which was approved for a pair of semi-detached dwellings, and despite the proposed change in the nature of the occupation of the properties, the physical relationship with surrounding properties remains the same.

Planning Balance

25. Whilst neither the appellant nor the Council has made any reference to the current position regarding the Council's 5-year supply of deliverable housing land, I am aware from my conclusions in a recent appeal decision (*Ref: APP/B5480/W/19/3220714*) that the Council is currently unable to demonstrate a 5-year level of supply. In such circumstances, paragraph 11 of the Framework and therefore the *tilted balance* and the presumption in favour of sustainable development would be engaged.
26. The provision of a combination of HMO accommodation and studio flats to the local housing market would be an undoubted social benefit of the proposed development, albeit in the absence of any definitive evidence on specific areas of housing need, 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.
27. However, I have found that the living conditions of future occupiers would, because of the substantial failure to achieve a minimum standard GIA, be significantly adversely affected. 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

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

Martin Seaton

INSPECTOR