



Appeal Decision

Site visit made on 23 September 2019

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2019

Appeal Ref: APP/B5480/W/18/3217876 26 Melton Gardens, Romford RM1 2AS

- 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 Volodymyr Davydyak against the decision of the Council of the London Borough of Havering.
 - The application Ref P0893.18, dated 10 June 2018, was refused by notice dated 13 November 2018.
 - The development proposed is described as single dwelling convert into 2 number of apartments.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the application was refused the National Planning Policy Framework 2018 has been replaced by the National Planning Policy Framework 2019 (the Framework). As this happened before the appeal was lodged both main parties have had the opportunity to address any relevant changes introduced in the Framework and I have taken into account any comments made.
3. The appeal property has already been converted to two independent apartments, although the existing layout differs from that proposed and the proposed front entrances have not been built. In addition, whilst a Certificate of Lawfulness was granted for the proposed dormer extension and associated rooflights in 2016, this was on the basis that the property comprised a single dwelling-house. Accordingly, the proposal also includes the provision of a dormer extension and three roof lights on the front roof slope. The appeal has been determined on this basis.

Main Issues

4. The first main issue is whether the proposal would provide satisfactory living conditions for its occupants, with particular regard to light and outlook for the occupiers of the ground floor apartment and living space and private garden area for the occupiers of the upper floor apartment. The second main issue is the effect of the proposal on the demand for on-street parking, the free flow of traffic and pedestrian and vehicular highway safety. The third main issue is the effect of the proposal on the living conditions of the occupiers of the adjoining properties, with particular regard to noise and disturbance.

Reasons

Proposed Living conditions

5. Melton Gardens is characterised by small terraces of two storey family dwellings with small front gardens and deep rear gardens. The front gardens are hard surfaced and used for parking. The appeal property comprises an end of terrace two storey house that has single and two storey extensions as well as the proposed dormer extension and rooflights on the front roof-slope. The whole of the front garden is hard surfaced and used for parking and to the rear the property has a generous sized garden, which contains a domestic outbuilding.
6. The proposal is for a two bedroom apartment on the ground floor and a three bedroom apartment on the first and second floors. The ground floor apartment would have sole access to the rear garden and the front garden would be shared and used for parking and the storage of refuse and recycling bins.
7. Policies at all levels seek to boost the supply of housing and to optimise the potential of sites. Paragraph 1.1 of the Havering Local Development Framework Development Control Policies 2008 (DPD), advises that conversions can provide an important source of additional housing for smaller households, however, care must be taken to ensure that the standards in new dwellings are satisfactory, both in terms of the accommodation they provide and their impact on the local area. Policy 3.5 of the London Plan requires new developments to be of the highest quality both internally and externally.
8. Consistent with this Policy DC4 of the DPD states that planning permission will only be granted for the sub-division of existing dwellings where it would not result in conflict with surrounding uses; the proposed living rooms would not abut bedrooms in adjoining dwellings; the flats would have reasonable outlooks and aspects; and adequate parking would be provided, to ensure that the occupiers and their visitors are able to park without detriment to highway safety, taking account of the availability of on and off street parking with regard to the parking standards set out in policy 33 of the DPD.
9. Policy 9 of the emerging Local Plan further states that any existing dwelling to be converted should have no less than 120sqm of original floorspace and at least one flat should have three or more bedrooms. The family unit should ideally be located on the ground floor with direct access to a private garden area and the scheme should comply with the parking requirements set out in Policy 24 of the emerging Local Plan. Having regard to the advanced stage the emerging Local Plan has reached I give a moderate amount of weight to Policies 9 and 24 of the emerging Local Plan.
10. The Havering London Borough - Design for Living Residential Design Supplementary Planning Document 2010 (DFL-SPD), seeks to ensure that residents benefit from adequate privacy, outlook and light. Also, amenity space is a key consideration for new residential development and every home should have access to private gardens, communal gardens, courtyards, patios, balconies or roof terraces.
11. Whilst bedroom 3 of the upper floor apartment would be awkwardly shaped, overall the proposed apartments would comply with the internal space standards set out in the *Technical housing standards – Nationally described*

space standard, published by the Department for Communities and Local Government 2015. Notwithstanding this, the original dwelling had a gross floor area of less than 120 square metres and so the proposal would be contrary to Policy 9 of the emerging Local Plan, which seeks to retain the supply of smaller sized family houses within the Borough.

12. With the proposed ground floor apartment bedroom 1 would have no windows and would have two access doors, one into a hallway with no direct sunlight and the other into the kitchen. The proposed window to bedroom 2 would be small, obscure glazed and located within a narrow recess. Accordingly, these bedrooms would have no/poor outlook and levels of daylight. It would be possible to move the living room to bedroom 1, where the doors into the kitchen could be left open to provide secondary light. However, having regard to the orientation and depth of the kitchen, the levels of daylight/sunlight and outlook within the living room would be poor. It would also be possible to fit the window to bedroom 2 with clear glass, although this would have the potential to result in a loss of privacy having regard to its immediate proximity to the entrance door and parking area.
13. The proposed upper floor apartment would have three bedrooms and in this respect it would be suitable for occupation by a family. However, the upper floors apartment would have no usable outside private garden area, where the occupiers could have an outside sitting area and a safe private play space for children. Whilst the appellant has identified various areas of public open space in the area, the use of such areas is not comparable to and would not adequately compensate for the absence of a private family garden.
14. As a result of these factors I conclude on the first main issue that the proposed apartments would provide unsatisfactory living conditions for their occupiers. Accordingly, the proposal would conflict with Policy DC4 of the DPD, Policy 3.5 of The London Plan, the DFL-SPD and Policies 9 and 24 of the emerging Local Plan.

Parking

15. Melton Road is a cul-de-sac where on-street parking is unrestricted but can only be accommodated on one side of the road at any given point due to the narrow width of the highway. The potential for on-street parking is further limited by the number and width of vehicle crossovers serving individual dwellings and at the time of my site visit there were no available on-street parking spaces of sufficient length to accommodate a medium sized car. In addition, the use of some of the on-street parking spaces has the potential to obstruct crossovers on the opposite side of the road. The demand for on-street parking spaces within Melton Gardens is likely intensified due to the on-street parking controls in some of the adjacent streets.
16. Collectively Policies DC2, DC32, DC33 and DC61 of the DPD seek to ensure that new development does not have an adverse impact on the functioning of the road hierarchy and should be designed and orientated around the needs of pedestrians and cyclists. The provision of off-street parking in new developments should not exceed the Council's maximum parking standards and residential developments with less than one car parking space per dwelling will only be permitted where on-street parking can be controlled through a Controlled Parking Zone.

17. Together Policies 9 and 24 of the emerging Local Plan requires proposals to comply with the parking standards set out in the London Plan, which for a two bedroom dwelling is less than one space and for a three bedroom dwelling is up to 1.5 spaces. This equates to a maximum of 2.5 spaces, whereas the Council has stated that the proposal should provide three parking spaces. Having regard to the size of the apartments and the demand for on-street parking in the locality, whilst also adhering to the adopted parking standards I consider that it would be reasonable and appropriate to require the provision of at least two on-site parking spaces.
18. Neither the proposed parking spaces meets the required minimum sizes in relation to parking space width and manoeuvring depth. Also, the proposed bin store would project into the manoeuvring space of one of the parking spaces. At the time of the appeal site visit a car was parked in the front garden of the appeal property, with its wheels facing towards the building. Due to the shallow depth of the front garden the car overhung the pavement, obstructing pedestrian access. Elsewhere along Melton Gardens cars were parked at an angle within the smaller front gardens to prevent them from overhanging the pavement. Also, it is possible to park at right angles within the deeper front gardens, without overhanging the Pavement. Whilst I consider that it would be possible to park at an angle within the proposed front garden, there would only be sufficient space for one average sized family car to park clear of the pavement and comply with standard parking and manoeuvring space dimensions.
19. This highlights that the existing front garden is not large enough to satisfactorily accommodate two cars and that the occupiers of the proposed apartments and their visitors would likely need to park on-street, or leave vehicles overhanging the pavement. This would place further pressure on the evident demand for on-street parking along Melton Gardens and or affect pedestrian highway safety.
20. For these reasons the proposal fails to make adequate provision of an acceptable standard for off-street parking. The proposal would add to the pressure for on-street parking both in Melton Gardens and the wider area in the evenings and early mornings, which would affect the free flow of traffic and would have an adverse impact on pedestrian and vehicular highway safety, including cyclists.
21. Contrary to Policy DC35 of the DPD the proposal makes no provision for on-site cycle storage. Whilst the appellant has stated that this could be dealt with by condition, no indication has been given of where they could be stored. If cycles were stored in the front garden, they would further obstruct access to and from the proposed parking spaces. The existing domestic building in the rear garden prevents access to the private access track to the rear of the property and no internal areas that would be safe and accessible have been identified. In the absence of an identified suitable space for the storage of cycles the development would fail to encourage and facilitate cycling as an alternative means of transport to motorised vehicles.
22. I conclude on the second main issue that the proposal would have an adverse impact on the free flow of traffic and pedestrian and highway safety, contrary to Policies DC2, DC4, DC32 and DC33 of the DPD, Policies 9 and 24 of the emerging Local Plan and the DFL-SPD which advises that parking should not

dominate or over-burden residential areas, or inconvenience pedestrians and cyclists. The proposal would also conflict with Section 9 of the Framework which promotes sustainable modes of transport, seeks to minimise the scope for conflict between pedestrians, cyclists and vehicles and creates safe places that respond to local character and design standards.

Living conditions of the occupiers of the adjoining/adjacent dwellings

23. The additional pressure for on-street parking and its associated impact on the free flow of traffic and pedestrian and highway safety would have a negative impact on the living conditions of local residents within Melton Gardens and in particular the occupiers of the dwellings in close proximity to the appeal property.
24. The proposed first floor living room would be located alongside a bedroom at 28 Melton Gardens (No.28). As a consequence, the use of the living room would have the potential to generate a level of noise and disturbance that would affect the sleep patterns of the occupiers of No.28. The situation would not be helped by the close proximity of the windows that serve the bedroom and living room.
25. The appellant has suggested that this could be overcome by moving bedroom 2 of the upper floor apartment to the first floor living room and the living room to where bedroom 2 is currently proposed. I agree that this would ensure that the bedroom at No.28 did not adjoin the proposed living room and would thus reduce the scope for the use of the living room to disturb the occupiers of No.28. However, this is not something that could be dealt with by condition as it would deny the occupiers of No.28 and 24 Melton Gardens from being able to comment on any other impacts the change could have on their living conditions.
26. The appeal property has been extensively enlarged from a modest sized three bedroom dwelling to a five bedroom dwelling. As such its occupation has the potential to generate more activity than neighbouring properties that have not been extended. Whilst the number of bedrooms with the proposal would not change, as stated by the Council, the proposal would result in a higher intensity of use than would be found in a single family dwellinghouse. For example the cooking of meals, family activities, entertaining friends and relatives, etc. Such uses are likely to result in additional noise and disturbance for the occupiers of the adjacent dwellings in a quiet residential area that is characterised by individual family houses.
27. On its own this would be unlikely to have an unacceptable impact on the living conditions of the occupiers of the adjoining/adjacent dwellings. However, together with the associated pressure for on-street parking and the location of the proposed first floor living room alongside a bedroom at No.28 the proposal would materially and unacceptably harm the living conditions of the occupiers of the adjoining and adjacent dwellings.
28. I conclude on the third main issue that the proposal would unacceptably harm the living conditions of the occupiers of the adjoining and adjacent dwellings due to noise and disturbance. It would therefore conflict with Policies EDC55 and DC61 of the DPD which, amongst other things, seek to protect local residents from unacceptable levels of noise and vibration and to complement

and improve the amenity and character of an area through its integration with land and buildings.

Other matters

29. Although the proposed dormer extension is bulky and dominates the rear roof slope, it is similar in form and appearance to other dormer extensions in the locality and would not be visible from the street scene. The proposed changes to the front single storey extension are comparatively minor and subject to the detailing and materials to be used for the additional door, the changes would have a negligible impact on the street scene. This detailing is a matter that could be dealt with by condition.
30. The proposed upper floor living room and kitchen diner would facilitate views towards the dwellings to the rear in Clydesdale Road. However, due to the distance between these rooms and the dwellings in Clydesdale Road the proposal would not result in a material loss of privacy for their occupiers.
31. The proposal would result in an additional dwelling within an accessible residential area and would make a small contribution to the supply of small dwellings in the Borough. Whilst I give a moderate level of weight to this, it would not outweigh the harm identified above and which could not be satisfactorily dealt with by condition.
32. Finally, the errors in the Council's decision notice are noted, but are not material to the merits of the proposal.

Conclusion

33. Whilst I have found in favour of the appellant on some points, the conclusions on the main issues amount to compelling reasons for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR