

Appeal Decision

Site visit made on 12 November 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2019

Appeal Ref: APP/B5480/W/19/3236937

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 Ronnie Hollington against the decision of the Council of the London Borough of Havering.
 - The application Ref P0084.19, dated 18 January 2019, was refused by notice dated 15 March 2019.
 - The development proposed is the change of use and conversion from shop unit to one flat dwelling, addition of small rear bay window.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use and conversion from shop unit to one flat dwelling, addition of small rear bay window, at 15 Mildmay Road, Romford RM7 7DA, in accordance with the terms of the application, Ref P0084.19, dated 18 January 2019, subject to the conditions set out in the attached schedule.

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.

Procedural Matter

3. This site was previously the subject of appeal decision reference APP/B5480/W/19/3220714 (the previous appeal) which post-dated the Council's decision on this application. The appellant has submitted that decision and the relevant drawings to this appeal.

Main Issues

4. The main issues are whether the proposal i) would result in suitable living conditions for residents of the proposed flat, having regard to the level and quality of internal floor space and outdoor amenity space; and ii) makes adequate provision for vehicular and cycle parking.

Reasons

Living conditions

5. The appeal site is a mid-terrace ground-floor shop, now vacant, with a flat above and flats in what were originally similar sized houses to either side. The

- rest of the street is generally semi-detached, but with a consistent building line and orientation.
6. With the extension to the rear, the proposed dwelling would have a Gross Internal Area (GIA) of 50 square metres. This meets policy requirements for internal space in numerical terms. The Council acknowledges this but remains concerned over the quality of the internal space, having regard to the orientation of the property and the levels of light which it would be expected to receive.
 7. The appellant has submitted a Daylight Assessment report, which has modelled and measured the levels of light which would be received by each window and the rooms they serve. That report also compared the current proposal to the previous appeal.
 8. The windows to the front are proposed to be enlarged from those found unacceptable in the previous appeal, with an additional fan-light above the door. The results of the Daylight Assessment show an improvement over the previous proposal and demonstrate compliance with target levels. In this, I acknowledge that the extension of the bedroom, to meet the GIA requirements has had a secondary effect of making the room deeper, altering the level of light penetration, but it does meet the targets in the British Standard as described in the report.
 9. The Council criticises the report for failing to consider the likelihood of screening of the front window. Given the set-back from the pavement, similar to the rest of the terrace, I do not consider that this criticism invalidates the conclusions of the report. A future occupier may choose to screen those windows, but it would be their choice to do so.
 10. The Council has expressed concerns over the orientation of the windows and the effect of this on light received into the property, but this would not, of course, be any different to the rest of the street, and I do not therefore find it would make levels of light unacceptable, given the results of the report mentioned above. I consider therefore that the proposal would be acceptable in terms of light received in the property and therefore the quality of the internal space.
 11. The Council is also concerned over both outlook and privacy from the front window facing the street. Whilst I acknowledge their concerns, the proposed arrangement is not fundamentally different from the rest of the properties in this terrace or elsewhere in the street, and as such, I do not consider it to be unacceptable.
 12. With regard to the rear outdoor space, the proposal substantially reduces the size of the outbuilding to the rear, thereby increasing the size of the rear outdoor space. This would significantly improve the outlook from the rear of the property over the current situation and the previous appeal. The rear outdoor space would therefore be private, of a suitable size and useable. In my opinion it would meet the fundamental requirements of quality and usability set out in the Havering London Borough Design for Living Residential Design Supplementary Planning Document, adopted 2010 (the SPD), having regard to the developed, urban character and nature of the site and its surroundings.

13. I consider that subject to screening, proposed by the applicant and considered broadly acceptable in the previous appeal, the proposal would not be subject to harmful overlooking or loss of privacy arising from the existing access stair to the first-floor flat. Indeed, screening as proposed would provide a benefit both to the appeal site and its neighbours, which are currently overlooked by this stair. I do not agree with the Council that such screening would make the rear outdoor space feel enclosed and oppressive.
14. In their decision the Council have made reference to harm to living conditions arising from noise but provided no evidence on this point. I do not consider that the proposed flat would give rise to, or suffer disturbance from, any undue or unacceptable noise, being sited in an existing residential area.
15. I therefore conclude that the proposal would result in suitable living conditions for residents of the proposed flat, having regard to the level and quality of internal floor space and outdoor amenity space.
16. It would therefore comply with the requirements of Policy 7.4 of the London Plan 2016, Policies DC55 and DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (the Core Strategy) and the SPD. These seek, amongst other things, to ensure that development is of high quality, responds to the pattern and grain of existing areas, and provides acceptable living conditions for existing and future residents.

Parking

17. There is an existing outbuilding to the rear of the property, proposed to be reduced in size to provide bin and cycle storage. Despite the suggestion of the Council, access is possible to the rear of the property, and from my site visit, appears well used by both this property and the upstairs flat. In addition, the appellant has provided copies of title deeds which appear to confirm this arrangement. I do not therefore consider that provision of, and access to the bin and cycle storage for use or servicing would be inadequate or harmful to the amenity of future occupants.
18. Turning to car parking and the potential for the proposal to cause unacceptable overspill to the detriment of highway safety and residential amenity, I note that there remains, despite the previous appeal, disagreement over the Public Transport Accessibility Level (PTAL) score for the site. The Council gives the site a score of level 1b, at which it would be expected to provide between 1 and 1.5 parking spaces. As the property benefits from an on-street parking permit, the proposal meets this requirement, albeit at the lower end of the range. In light of the evidence that the PTAL score for the site may well be higher than the Council suggests and considering the availability of an on-street parking permit, I do not therefore consider that the proposal would cause unacceptable overspill to the detriment of highway safety and residential amenity.
19. The proposal would therefore comply with the requirements of Policy 6.13 of the London Plan 2016 and Policy DC33 of the Core Strategy, which seek a balance between new development and excessive parking provision which would undermine the use of more sustainable modes of transport

Conditions

20. I have assessed the conditions suggested by the Council against the tests for conditions in the Planning Practice Guidance (the PPG) and in light of the comments of the appellant. I have imposed a standard condition requiring compliance with the submitted plans, necessary to ensure the satisfactory appearance of the completed development and to ensure satisfactory living conditions for the future occupiers. I have also imposed a condition requiring the details and provision of cycle storage to ensure that provision is made for sustainable means of transport.
21. Condition 4, requiring the submission, approval and provision of screening to the external stair, is necessary to ensure that the proposal provides satisfactory living conditions for the future occupiers with regard to privacy.
22. I have not imposed the conditions relating to Building Regulations requested by the Council. The PPG is clear that conditions requiring compliance with other regulatory regimes, in this case Building Regulations, will not meet the test of necessity.

Conclusion

23. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: D010, D011 Revision C, D012 Revision B, D013 Revision B.
3. The dwelling hereby permitted shall not be occupied until cycle storage is provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.
4. The dwelling hereby permitted shall not be occupied until the fixed and obscured screen to the external staircase is provided in accordance with details submitted to and approved in writing by the Local Planning Authority. The screen shall be permanently retained thereafter.