



Appeal Decision

Site visit made on 7 January 2020

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/B5480/W/19/3235698
76 Eastern Road, Romford, Essex RM1 3QA

- 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 Bilal against the decision of the Council of the London Borough of Havering.
 - The application Ref P0083.19, dated 11 January 2019, was refused by notice dated 23 May 2019.
 - The development proposed is described as "conversion to 3 no self contained flats (1x 3 bed, 2x 1 bed)".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a revision to the proposal. It appears there was an attempt to put this to the Council before they made their decision, but the application was determined on the basis of the original application. I note the comments of the Council that whilst the revision was an improvement, it would not have overcome their reason for refusal. I also note that although they did not object to the appellant seeking to have the appeal determined on the basis of the revision, the Council did not address it in their appeal submissions.
3. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. It is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application, in spite of the comments of the Council in that respect. Having regard therefore to the scale and nature of the revision proposed, the Wheatcroft Principles and in the interests of fairness, I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which third parties were consulted.

Main Issues

4. The main issues are whether the proposal would provide acceptable living conditions for future residents of i) the proposed flats with regard to the provision of suitable outdoor amenity space, and ii) flat 1 with regard to levels of light, outlook, and exposure to noise and disturbance.

Reasons

Outdoor space

5. At present, the appeal site is a family dwelling with a relatively long garden bounded by close-boarded fencing, typical of the properties on this side of Eastern Road. Vehicular access is available to the side of the house, and in many of the properties along Eastern Road, is used to access parking to the rear.
6. In splitting the property into flats, it is proposed to similarly split the rear garden area in order to provide parking, bin and cycle storage as well as private outdoor amenity space for each of the flats, in line with the development plan requirements. It is proposed to achieve this through the provision of three separate, fenced areas, accessed from the proposed driveway area.
7. The Council has not explicitly criticised the proposed outdoor amenity space for its numerical sufficiency, rather for its size in the context of the character of the area as well as its quality and usability.
8. Accessed from the proposed driveway and surrounded on all sides by relatively tall close-boarded fencing, the proposed outdoor space for each flat would in my view feel small, unduly enclosed and dominated by fencing. This would be particularly the case for the space proposed for Flat 1, intended for a family unit, but not significantly larger than the other spaces.
9. I accept that in the provision of outdoor amenity space, there is a balance to be struck between privacy, which would require such fences, and usability or quality, which would suggest against them. However, combined with the need to leave the building and cross the driveway to access the spaces, I do not consider that the proposed outdoor amenity spaces would provide acceptable living conditions for the future occupiers of the proposed flats with regard to the provision of suitable outdoor amenity space, balancing the need for quality and privacy.
10. The proposal would therefore be contrary to Policy 3.5 of the London Plan 2016, Policy DC4 and Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (the Core Strategy). The London Plan policy seeks to ensure that residential development is of the highest quality internally and externally, and that residential environments are both preserved and enhanced. The policies in the Core Strategy seek to ensure that the layout of residential conversions provides suitable private outdoor amenity space and complement or improve the amenity and character of the area through its appearance, materials used, layout and integration with surrounding land and buildings.

Living conditions in Flat 1

11. Flat 1, the proposed ground floor, 3-bedroom unit has a number of windows which would face onto the vehicular access for the rear parking spaces, bin store, and cycle store. Three of the windows are proposed to be screened from this vehicular access by a close-boarded privacy fence.
12. The Council suggest that this flat would suffer from poor living conditions created by both its relationship to the vehicular access and the proposed

privacy fence. Whilst I understand the position of the Council concerning the effects of the access, I do not agree that it would be likely to give rise to the level of harm suggested by the Council. The arrangement proposed is not significantly different to that in the examples cited by the appellant at 60 and 68 Eastern Road, which I saw on my site visit. In addition, the level of use of such an access is likely to be limited by the number of parking spaces and stores served.

13. However, I do share the concerns of the Council over the effect of the proposed privacy fence on the living conditions of Flat 1 with regard to light and outlook. The privacy fence would affect two of the three bedrooms proposed but would have a much greater effect on bedroom 3. In my view the privacy screen would appear tall and unduly close from the only window in that room, and would give rise to an overbearing, overly dominant, closed-in feeling within that room with an unacceptably limited outlook and loss of light. It would also cause a similar effect to part of bedroom 2, owing to its location immediately next to the window, but I accept that this window is one of two within that room.
14. I acknowledge that the appellant has offered to remove this privacy fence by condition. However, they have offered no wording which might secure this, and I do not consider that to be an appropriate use of a planning condition, as it would, in my view, fundamentally alter the proposal.
15. Therefore, whilst the proposal would provide acceptable living conditions for future residents of Flat 1 with regard to exposure to noise and disturbance, I do not consider it would do so with regard to levels of light and outlook.
16. The proposal would therefore conflict with Policy 3.5 of the London Plan 2016, and Policy DC4 of the Core Strategy, which seek, amongst other things, to ensure that residential development is of the highest quality internally and provides reasonable outlook and aspect.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR