
Appeal Decision

Site visit made on 10 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th April 2020

Appeal Ref: APP/B5480/W/19/3230721

Land at rear of 80 Heath Park Road, Romford, Essex RM2 5XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Illia Naboli against the decision of the London Borough of Havering.
 - The application Ref P0894.18, dated 29 May 2018, was refused by notice dated 15 May 2019.
 - The development proposed is the variation of a previously approved design on a new house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This appeal relates to a site where planning permission was granted on appeal 2 November 2017 for what was described by the Planning Inspector as the demolition of existing garages and the erection of a single dwelling (APP/B5480/W/17/3177701). The proposal before me now is for a scheme with an additional bedroom.
3. Shortly after this appeal was lodged the Council notified the Planning Inspectorate that it had adopted the Havering Community Infrastructure Levy (HCIL). Consequently, it would no longer wish to pursue a legal agreement for the provision of school infrastructure rendering the second reason for refusal redundant. For this reason, I have not addressed the failure to enter into a planning agreement in my decision. Had I been minded to allow the appeal, the appellant would have been required to have paid £125 per square metre, equating to a sum of £11,625 for a 93 square metre dwelling.

Main Issues

4. The main issue is the effect of the proposal on the living conditions of future occupants of the new dwelling.

Reasons

5. The site sits to the rear of 80 Heath Park Road, a large dwelling occupying a plot at the junction with Margaret Road in Romford. The site is occupied by 3 garages which are in a state of disrepair. Adjacent to the site are 2 three-storey semi-detached dwellings which appear to have been built quite recently. Margaret Road is an established, peaceful residential area.

6. The proposal is for the demolition of 3 garages and the erection of a 3-storey dwelling. It would be almost identical in appearance to that granted planning permission on appeal in November 2017 (APP/B5480/W/17/3177701). However, that dwelling contained 2 bedrooms and a study whilst the current proposal has 3 bedrooms. This is a significant change which has implications for space standards.
7. In its report the Council acknowledges that each of the habitable rooms meets the necessary minimum space standards laid out by the Government. The Council contends, however, that the aggregate level of floor space provision falls below the minimum standard required for a 5-person dwelling.
8. For a 3-storey 5-person dwelling the Government prescribes a minimum space standard of 99 square metres with an additional 2.5 square metres for storage (see Department of Communities and Local Government, 'Technical housing standards – nationally described space standard' (March 2015)). According to the appellant's appeal form the property has a floor space of 95.54 square metres although it is not clear whether this is a gross figure or a net figure allowing for space taken by internal walls.
9. The Council, however, contends that the gross internal area measures 93 square metres with no provision for internal storage. It considers this to be considerably short of the requirements of the technical housing standards, so leading to restricted and cramped living conditions. From my inspection of the drawing plans it is evident that no internal wardrobes or storage space has been provided.
10. I consider that achieving compliance with the national space standards to be very important in order to provide for the satisfactory living conditions of future residents. I am not able to say which of the two internal floor area figures given by the Council and the Appellant is correct. However, nothing hinges on this since both fall materially short of the required standard.
11. The appellant states that, as a fall-back, he could invoke his permitted development rights attaching to the development approved in November 2017 and reconfigure the internal space to achieve a 3-bedroom dwelling. However, there is nothing before me to indicate the likelihood of the claimed permitted development operations being carried out. In any event, in my judgement the appeal proposal and the changes suggested by the appellant under permitted development, if feasible, would be equally harmful. In which case, I give limited weight to the claimed fallback position as a justification for approving a proposal that would cause significant harm.
12. For the foregoing reasons I find that the proposal fails to provide for the satisfactory living conditions of future occupants. It is therefore not in accordance with Policy 3.5 of the London Plan 2016 and Policy DC3 of the Council's Core Strategy and Development Control Policies: Development Plan Document 2008 (CS) which both require developers to ensure that the design of new dwellings is of a high standard.
13. I do not, however, consider that the proposal fails to accord with Policy DC61 of the CS, with Policy 7.6 of the LP or with the guidance set out in the Council's Residential Design Supplementary Planning Document 2010 which each relate to the issue of character and appearance, not living conditions.

Other Matters

14. I have noted the submission concerning the proposed building materials. This is not a relevant consideration in the determination of this appeal.

Conclusions

15. For the reasons set out above and having had regard to all the documents put before me the appeal is dismissed.

William Walton

INSPECTOR