
Appeal Decision

Site visit made on 8 September 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/B5480/W/20/3252307

17 Fitzilian Avenue, Romford, Essex RM3 0QS

- 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 T. Storrar (Valuegrade Ltd) against the decision of the Council of the London Borough of Havering.
 - The application Ref P1754.19, dated 6 November 2019, was refused by notice dated 30 January 2020.
 - The development proposed is demolish two storey detached house & construct 5no S.C. Flats (3No 2Bed & 2No 1Bed) with off road parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In their officer report the Council appear to have assumed for the purposes of assessing the appeal scheme against the requirements of the Technical housing standards – nationally described space standard 2015 (NDSS), that the proposed apartments/flats are two storey dwellings. However, the NDSS specifically states that the Gross Internal Areas set out in Table 1 typically assume that flats are one storey dwellings¹. As a result, in the interest of clarity and precision, I have assessed the appeal scheme on the basis that the proposed apartments are all one storey dwellings.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of its future occupiers having particular regard to the provision of internal space and useable external amenity space; and
 - the effect of the proposed development on highway safety.

Reasons

Character and Appearance

4. The proposal relates to the demolition of a two-storey detached Victorian style dwelling with a red-brick façade and its replacement with five apartments three of which would have two bedrooms with the other two each having one bedroom. The surrounding area is predominately residential comprising properties of varying

¹ See paragraph 3.

styles and sizes some of which appear to be apartments. The majority of properties on this part of Fitzilian Avenue consist of two-storey detached and semi-detached dwellings which have small gardens or paved areas with driveways to the front with larger gardens to the rear.

5. Some of these small front gardens also have a hedgerow, large shrubs or small trees on their boundaries. Several of the rear gardens of the properties to the north west of Fitzilian Avenue, including that of the appeal site, have high mature trees beyond their rear boundaries which are visible from the street. These dwellings, their plots, gardens, the front landscaping and the high mature trees to the rear together form part of an orderly and regular pattern of development which contribute positively to the visual amenity of the area and its suburban setting.
6. The proposal would have a portion of its front elevation set back from the front building line with its roof ridge height also having a 'stepped' appearance when viewed from the street. It would also have an opening on the ground floor of the front elevation to accommodate an undercroft style vehicular access to the proposed parking area to the rear.
7. Whilst I acknowledge that some other properties in the area have a similar undercroft style vehicular access, these appear to be in the minority and given the proposal's design I consider it to be out of keeping with the prevailing style of dwellings on this part of Fitzilian Avenue thereby representing a discordant addition to the street scene. For similar reasons, I consider that the removal of the existing landscaping to the front of the property and its replacement with more modestly sized low-level planting would also have a negative visual impact.
8. Furthermore, given how close the proposal would be to the shared boundaries of its neighbouring dwellings, and the fact that a portion of the rear garden would be converted to provide car parking and cycle storage, I also consider that the proposal would represent a cramped form of development that would be at odds with the area's established pattern of development.
9. I therefore conclude, on this main issue, that the proposal would have an adverse visual impact on the street scene thereby materially harming the character and appearance of the area. Accordingly, it would conflict with Policy DC61 of the adopted Havering Core Strategy and Development Control Policies Development Plan Document 2008 (CS) which aims to maintain, enhance or improve the character and appearance of an area, amongst other considerations. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which aims to ensure that the design of new proposals improve the character and quality of an area.

Living Conditions

10. The NDSS states that the minimum required floor area for a double or twin bedroom i.e. with two bed spaces is 11.5 square metres. According to the submitted plans proposed flat no. 1 would have two bedrooms with the first one having a floor area of approximately 14 square metres with the second having a floor area of approximately 18 square metres. Consequently, I consider that flat no. 1 could potentially accommodate up-to four bed spaces overall.
11. The NDSS also states that the minimum required floor area for a two bedroomed dwelling that could accommodate up-to four bed spaces is 70 square metres with an additional 2 square metres of built-in storage. According to the submitted plans proposed flat no. 1 would have an approximate gross internal floor area of 63 square metres not including its bathroom, hallway and internal lobby area. Consequently, I have used the figure provided by the appellant of approximately

76 square metres and as a result, I consider that flat no. 1 meets the required internal space standard.

12. The largest bedrooms proposed for flat nos. 2 and 3, each have respective floor areas of approximately 16 and 14.5 square metres with their smaller bedrooms measuring approximately 10.5 and 7.5 square metres meaning that they could also potentially accommodate up-to three bed spaces. According to the evidence before me both proposed flats nos. 2 and 3 would have an approximate minimum gross internal floor area of 61 square metres including their bathrooms and internal hallways. Accordingly, given that the NDSS also states that the minimum gross internal floor area for a two-bedroom dwelling that could potentially accommodate up-to three bed spaces is approximately 61 square metres I also consider that proposed flats nos. 2 and 3 meet the required standard.
13. Based on the plans before me, the bedrooms for proposed flats nos. 4 and 5 have respective floor areas of approximately 20.5 and 17 square metres and consequently I consider that they could each accommodate up-to two bed spaces. The submitted evidence also tells me that their respective gross internal floor areas are approximately 54 and 46 square metres. The minimum NDSS requirement for a one-bedroom dwelling with up-to two bed spaces is 50 square metres with an additional 1.5 square metres of built-in storage space. Consequently, I consider that proposed flat no. 4 would meet the standard whilst proposed flat no. 5 would not. Therefore, even though only one of the proposed flats would fail to meet the minimum NDSS requirements this means that the proposal as a whole would also fail to meet them thereby having an adverse impact on the living conditions of its future occupiers, nonetheless.
14. With regard to the provision of useable external amenity space the proposal would replace the existing large rear garden with a parking area, cycle storage and communal amenity area which would measure approximately 100 square metres in total. The adopted Residential Design Supplementary Planning Document 2010 (SPD) requires that the design of proposed external amenity space should be of a high quality taking into consideration matters such as outlook, sunlight, trees, planting, materials, lighting and boundary treatments². It also requires that communal amenity space should be designed to be private, attractive, functional and safe.
15. The proposed driveway and two parking spaces would be located to the western side of the rear area however the other parking space would be located centrally within the proposed amenity area. As a result, I consider that there would not be a clear boundary between the two functional areas which would have an adverse impact on the ability of future occupiers to enjoy the use of the proposed amenity space. Furthermore, future residents would only be able to access this amenity space by exiting the front of the building and walking through either the undercroft driveway or via the path that goes round the other side of the building, which I consider would only make the amenity space even less functional and usable.
16. Moreover, given that the proposal could potentially accommodate up-to 14 persons I consider it unlikely that the provision of less than 100 square metres of communal external amenity space would be sufficient to meet the needs of its future occupiers thereby having an adverse impact on their living conditions.
17. I therefore conclude, on this main issue, that the proposed development would cause material harm to the living conditions of its future occupiers having particular regard to the provision of internal space and useable external amenity

² See section 10.1

space. Accordingly, it would conflict with Policy DC61 of the CS and Policy 3.5 of the adopted London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016) (The London Plan) which aim to protect and enhance the residential environment, amongst other considerations. It would also conflict with paragraph 127 f) of the Framework which aims to create places with a high standard of amenity for existing and future users.

Highway Safety

18. The proposal would provide parking spaces for three vehicles to the rear of the property which would be accessed via an undercroft driveway and this would appear to meet the required parking standards. However, while I note that the Highway Authority have made no comment on the proposal, I consider that the proposed layout would make it difficult for vehicles to turn around if the parking space set within the amenity area was occupied in addition to one of the others.
19. As a result, under this scenario, I also consider it likely that a vehicle using one of the parking spaces located on the edge of the area would have to reverse out through the undercroft access and onto the highway if they had entered in a forward gear. Alternatively, for it to be possible for a vehicle to exit the parking space in forward gear it would likely have had to reverse onto the site from the public highway and through the undercroft access. Therefore, the driver of such a vehicle would have limited visibility. Consequently, I consider it likely that the proposal would have an adverse impact on highway safety in this regard. It would also be reasonable to think that this impact would be exacerbated by the fact that residents would also potentially be walking to the rear amenity area via the undercroft driveway at the same time a vehicle would be reversing in or out.
20. I acknowledge the Appellant's point that the proposed access would be approximately 4.2 metres wide and that the distance from the highway to the parking spaces would be approximately 6 metres meaning that a vehicle could turn and exit the site in forward gear. However, as set out above I consider that this would be difficult if two out of the three spaces were occupied. Furthermore, the submitted plans show that the proposed undercroft would only be wide enough to accommodate one vehicle leaving little room for a resident walking to the rear amenity space which as I have already indicated would likely harm highway safety, nonetheless.
21. I therefore conclude on this main issue, that the proposed development would materially harm highway safety in conflict with Policy DC61 of the CS which aims to ensure that proposals are designed around the needs of pedestrians, amongst other things.

Other considerations

22. The proposed development would provide an additional five apartments and a social benefit. There would also be some economic investment from both their construction and subsequent occupation. These benefits are tempered by the relatively small scale of the proposed development, but nevertheless, carry modest weight in favour of the appeal scheme.

Planning Balance

23. Based on the evidence before me the Council has not delivered enough housing in the area to meet the requirements of the Housing Delivery Test. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing

five additional dwellings to assist the Council in addressing its under delivery as set out in Paragraph 11 of the Framework.

24. In relation to the adverse impacts of the proposal, these are material harm to the character and appearance of the area, the living conditions of future occupiers and highway safety in conflict with Policies DC61 of the CS and Policy 3.5 of the London Plan. It would also conflict with paragraphs 127 and 130 of the Framework.
25. With regards to the possible benefits of the proposal, it would potentially provide five dwellings and modest social and economic benefits. However, given the conflict with the development plan and those policies of the Framework identified above, I find that the proposal consequently cannot be considered sustainable development in accordance with paragraph 11 of the Framework.
26. Therefore, within the context of paragraph 11 of the Framework, given the substantial harm I have identified, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Other Matters

27. I acknowledge the Appellant's point that no objections were received from the Council's Refuse & Recycling or Environmental Health departments in relation to the proposal. However, this is not of sufficient weight to outweigh the harm I have identified above.

Conclusion

28. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. Therefore, for the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR