



Appeal Decision

Site Visit made on 29 September 2020

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/B5480/W/20/3246987

197 London Road, Romford, RM7 9DJ

- 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 Jamie Kingsnorth against the decision of London Borough of Havering.
 - The application Ref P1667.19, dated 1 November 2019, was refused by notice dated 31 December 2019.
 - The development proposed was originally described as 'regularisation of existing ground floor 1 bedroom flat and first & second floor HMO.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form. However, 'regularisation' is not an act of development. The Council indicates that the building was previously in use as offices within the A2 use class. Planning permission was granted in 2018 (Council Ref: P0049.18) for the change of use from A2 to residential to form two self-contained flats, along with a loft conversion, dormer windows and other external alterations. The Council argues that works subsequently carried out were not in accordance with approved plans. The appellant disputes that the former offices were Class A2, arguing they in fact fell under Class B1. The appellant go on to refer to a potential fall-back position relating to the conversion of offices to dwellinghouses, which implies that the change of use being sought is from offices and not an implemented C3 use.
3. Whilst I note the evidence provided by the appellant in respect of past B1 use, it is anecdotal in nature. On the other hand, the decision notice for the 2018 permission clearly states 'A2'. Therefore, in the absence of a lawful development certificate or other definitive evidence, I have considered the proposal as being for change of use from offices (Class A2) to a ground floor, one bedroom flat and a first and second floor House in Multiple Occupation (HMO) (Class C4).
4. The appeal is made retrospectively, and I have considered the amended plan 1674/02 Rev A, which clarifies that there is no kitchen existing or proposed to the second floor. This is a minor clarification and no party would be prejudiced by my taking it into account.

Main Issues

5. The main issues are 1) whether the proposal would provide a suitable standard of accommodation for occupants and 2) the effect of the proposal on parking and highway safety in the local area.

Reasons

Standard of accommodation

6. The ground floor flat is indicated to be approximately 56 sqm in area. This would meet the London Plan (March 2016) (the LP) floorspace requirement of 50 sqm provided the rear bedroom is converted to a living space, as the flat would otherwise fall below the requirement of 70 sqm for a two bedroom flat. I saw the flat to provide an adequate layout with access to the rear garden, and provided the one bedroom layout is implemented, the flat would provide an acceptable standard of accommodation.
7. The first and second floors are laid out as a three room, five person HMO, though not occupied at the time of my visit, having previously been approved as a one bedroom duplex flat. Policy 3.5 of the LP states that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. The appellant refers to the East London HMO Requirements (ELR), though the status of these standards is not made clear, nor it is indicated whether they contain other requirements beyond floorspace of rooms. Therefore, whilst I have considered these standards, I do not regard them as decisive in and of themselves.
8. The only communal space would be a 5.5 sqm kitchen, which I saw was not large enough for a dining table and provided limited space for people to cook simultaneously. The kitchen would fall short of the stated ELR requirement of 7.5 sqm for 4-5 people sharing, further to the appellant's clarification that the second floor room does not and would not have separate kitchen facilities.
9. Consequently, beyond cooking meals, occupants would have to eat, sleep, relax and store all of their belongings in their rooms. The second floor room, at 26 sqm, provides a reasonably sized, dual aspect space with a good size shower room and storage areas. The front room at first floor level would be considerably smaller at 14 sqm and would have a very small closet shower room. This would just exceed the ELR of 13 sqm. However, if occupied by two people, and factoring in a double bed, wardrobes, dining table and other furniture, the resulting space would be cramped and oppressive, particularly given the small shower room, lack of communal space and the undersized kitchen.
10. The rear first floor room is indicated to be just 10 sqm in size and suitable only for a single occupant. Whilst this exceeds the 8.5 sqm ELR standard, this is negated by the lack of kitchen and communal space, and my observations of the room were that it is inadequate to provide the furniture and space required for basic living without being extremely cramped. Reference is made to the provision of the balcony approved under the 2018 permission. However, that is not shown on the plans before me. Regardless, a balcony would provide limited external space which would not be usable year round and would not compensate for the lack of private and communal space internally.

11. For these reasons, I conclude that the first and second floor HMO fails to provide a satisfactory standard of accommodation for future occupants and so conflicts with the stated requirements of London Plan Policy 3.5 and with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (the CS) which requires development to complement or improve the amenity of the area through its layout. Conflict would also arise with the National Planning Policy Framework (the Framework) which at Paragraph 127 requires developments to create places that function well and add to the overall quality of the area and which promote health and well-being, with a high standard of amenity for existing and future users.
12. There would also be conflict with emerging Policy 8 of the draft Havering Local Plan which requires HMOs to provide communal space, either a living or dining area, large enough for all occupants to use simultaneously. However, given this policy does not yet form part of the adopted development plan, the conflict with it attracts limited weight.

Parking and Highway Safety

13. The front of the building is used for parking and extends across in front of the adjacent bathroom showroom. The Council states that the two spaces at the front would fall short of its maximum parking standards. I have not been provided the parking standards in full, but CS Policy DC33 requires that car parking provision within new developments should not *exceed* the maxima. As such, I agree with the appellant that a shortfall in provision against these standards is not reason in itself to oppose the scheme.
14. The site has a low PTAL rating of 1(b), though I saw there to be bus stops close by on London Road with services into Romford town centre, which is also walkable in around 15 mins. There are also various shops and services dotted along London Road which occupants of the building could reach on foot. Indeed, the Council itself, in respect of the scheme for two flats granted permission in 2018, concluded that the 'easily accessible' bus stops 'could reduce the requirement for vehicles.' Given these factors, the small size of the accommodation and the generally lower car ownership rates amongst HMO occupants, I find that the site's location would encourage sustainable modes of travel and the proposal is unlikely to generate materially greater parking demand than that found to be acceptable by the Council in 2018.
15. The appellant indicates that the forecourt has been used for parking for many years. I saw that forecourt parking was commonplace along London Road, including to the neighbouring properties. However, this parking lacks dedicated pavement crossovers and, in the case of the appeal site, there are on-street parking bays directly in front of the parking area. Such a situation increases the risk of occupants being blocked by cars parked on the street and having to make convoluted manoeuvres across the pavement to enter or leave the spaces, causing a hazard for pedestrians and other motorists.
16. In the alternative, occupants with cars would be required to park on the street. The Framework at Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I have little information before me on parking stress in the area, but given the small scale of the scheme and my observations of

parking on site, I am not persuaded that there would be a severe cumulative impact on parking locally.

17. Overall, whilst I find that the forecourt parking is unsuitable, the small scale of the scheme means that on-street parking demand would not be severe and would not unacceptably harm highway safety. No conflict arises therefore with Policy DC33 of the CS which states that car parking provision within new developments should not exceed the maxima. Nor would there be conflict with Policy DC32 of the CS, which resists new development which has an adverse impact on the functioning of the road hierarchy.

Other Matters

18. The appellant refers to a fall-back position existing through permitted development (PD) rights under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits a change of use from offices to dwellinghouses. An amount of evidence is provided, but it is not my role in this appeal to determine the lawfulness of any such proposal. However, I note that the PD right is subject to a prior approval process at Paragraph O.2.(1) which must precede any development being undertaken under Class O. As works have already been undertaken to convert the building to residential accommodation, this places doubt on the ability of the appellant to invoke the PD right. Therefore, I am not persuaded that a realistic fall-back position exists and this does not alter my conclusions on the main issues.
19. The 2019 Housing Delivery Test results show Havering has delivered just 33% of its housing requirement over the latest 3-year period. Per Paragraph 11(d) and Footnote 7 of the Framework, the 'tilted balance' is therefore engaged which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Planning Balance

20. The appeal scheme would deliver a single self-contained flat and a small HMO. Whilst the Council acknowledges a shortfall in its delivery of housing, the amount of housing delivered would make a very limited contribution to overcoming the shortfall, and similar benefits would arise from implementation of the 2018 permission.
21. I acknowledge that the provision of a HMO would provide a modest social benefit from the potential accommodation for more occupants with specific housing requirements, with HMO accommodation being at the more affordable end of the scale of properties for private rent. These benefits would however carry only limited weight given the size of the development. Economic benefits from spending by additional residents in the local area would be similarly limited in scale.
22. Set against this, the development would result in significant harm to occupants' living conditions through the unsatisfactory standard of accommodation, in conflict with the Framework's aim to create functional and high quality places with a high standard of amenity for existing and future users.
23. No harm is identified with respect to the effect on the character and appearance of the area or neighbours' living conditions, I have found no harm

in terms of effect on parking or highway safety. However, these are neutral factors weighing neither for nor against the proposal.

24. Overall, I conclude that the adverse impacts I have found would significantly and demonstrably outweigh the limited benefits identified, when assessed against the policies in the Framework taken as a whole.
25. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by Paragraph 11 of the Framework. As a material consideration, this does not indicate this appeal should be decided other than in accordance with the development plan, where I find there to be conflict when considered as a whole.

Conclusion

26. Therefore, for the reasons given, the appeal is dismissed.

K Savage

INSPECTOR