



Appeal Decision

Site visit made on 8 December 2020

by Jan Hebblethwaite MA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 February 2021

Appeal Ref: APP/B5480/W/20/3254973

84-86 Straight Road, Romford, Essex RM3 8AB

- 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 Ramesh Patel against the decision of the London Borough of Havering Council.
 - The application Ref P1755.19 dated 6 November 2019, was refused by notice dated 27 February 2020.
 - The development proposed is the change of use from class B1 to class C4 (HMO)
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Procedural Matter

1. The description of the proposed development on the application form was as set out in the heading to this letter. The decision notice added the following description to the description:
and the associated external works of alteration including the formation of windows on the flank elevation.
2. I am satisfied that the amended description reflects the development shown on the application plans.
3. One of the Council's reasons for refusing the application related to the lack of privacy provided by the new windows in the flank wall. The Officer's report refers to the windows and states that "they would be directly onto the pavement and therefore would not benefit from any privacy". However, the plans show that the windows would be inserted into the north elevation adjoining the neighbouring property in Straight Road. They would not be in the southern elevation facing the pavement in Faringdon Avenue. I have assessed the privacy aspect of the proposed development based on the plans which show windows serving three of the bedrooms and the living space in the northern flank elevation and windows serving two bedrooms in the front elevation overlooking the forecourt.

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues in this appeal are whether the proposed development would provide adequate living conditions for future occupiers and the impact of the proposed development on highway safety and residential amenity.

Reasons

Living conditions

6. The appeal site consists of the ground floor of the two-storey part of a building at the busy junction of Faringdon Avenue and Straight Road. The building faces Straight Road and is set back behind a small forecourt. It adjoins a small supermarket. At the time of my site visit the ground floor security shutters were closed.
7. The Appellant has referred me to the East London HMO Guidance document ("ELHMO"), which provides advice on the creation of houses in multiple occupation for seven London Boroughs, including Havering. This includes minimum room sizes for bedrooms, being 8.5 sqm for one occupant and 13sqm for two occupants. One of the bedrooms meets the minimum standard for 2 people at 14.25 sqm, three bedrooms meet the one-person standard at 11.85sqm, 12.63sqm and 12sqm respectively, but one falls below the minimum one-person standard at 7.94 sqm. The ELHMO also advises that for five residents, there should be 16sqm of living/dining space and 7.5sqm for a kitchen. The plans show a total space for living/dining/cooking of 29.5 sqm which is more than the minimum requirement, but the living space is awkwardly shaped and some of the space would not be readily useable.
8. I also note from the ELHMO that for licensable HMOs with five occupiers, a wash hand basin is required for each bedroom. The plans do not show such facilities.
9. I have been referred to the table in the "Technical housing standards – nationally described space standard" published by the Department for Communities and Local Government and note that this table also appears in Policy D6 of the Intention to Publish version of the New London Plan (December 2020) ("NLP"). The table is based on gross internal area and relates to floor areas and built-in storage. However, I have not been provided with those figures so that I am not able to assess the proposed development against the standard.
10. There would be no private amenity space available to future occupiers. I accept that the flat in the upper storey of the building also has no amenity space (although that is not unusual for first floor flats) and that there is a park in easy walking distance. However, the open forecourt fronting the junction is the only space available for refuse and cycle storage. This space would not be secure and would be unsightly in the street scene. The proposed development would be contrary to policy DC40 of the Council's Core Strategy and Development Control Policies 2008.
11. Whilst I have acknowledged that the new windows in the flank wall would not look out to the pavement, they would look out over the private garden area of the property to the north. There would be nothing to stop the neighbour from erecting a fence blocking any overlooking, but such a fence would be likely to severely limit the amount of light to the three bedrooms at the rear. Living conditions in such circumstances would be unacceptable.

Parking and residential amenity

12. There is no suitable available space for car parking at the appeal site. Therefore, any future occupiers owning a car would have to park in adjoining

streets, as acknowledged by the Appellant in the appeal statement¹. I saw from my site visit that the two main roads are busy and have parking restrictions in the vicinity of the appeal site. The logical place for future occupiers to park would be in the parking court serving flats and roads to the rear of the appeal site, and I note the comments of the objectors to the application in relation to existing parking issues.

13. I accept that future occupiers of the appeal site might not be car owners, but the potential for any increase in on-street parking in the immediate vicinity is likely to reduce highway safety and cause harm to residential amenity. This would be contrary to Policy DC5 of the Council's Core Strategy and Development Control Policies 2008.
14. The availability of good public transport facilities would be of importance to occupiers of the appeal site and I note that there are bus services serving the appeal site, which in turn provide access to rail stations. I also note that the Public Transport Accessibility Level² is 0 which is the lowest possible. On that basis, and in the absence of car parking and secure cycle storage, I consider that the appeal site would have less than satisfactory transport provision.

Conclusion

15. I have noted the analysis provided by the Council in relation to housing need and housing delivery. I have also noted that the Housing Delivery Test 2020 was published on 19 January 2021. In the light of the information in the HDT, I agree with the Council that footnote 7 to paragraph 11(d) of the NPPF³ applies to this appeal and that the paragraph 11 presumption in favour of sustainable development applies unless any adverse impacts of a grant of permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, taken as a whole.
16. I am in no doubt that HMO accommodation would in principle, provide a valuable addition to housing stock in the Borough. However, residential accommodation must be of a size and standard that provides suitable living conditions for future occupiers. Chapter 12 of the NPPF deals with achieving well-designed places and states that good design is key to sustainable development. Paragraph 127 sets out guidance for development decisions including at (f), a high standard of amenity for existing and future residents. This is reflected in the Council's development policies and the guidance published by seven London Boroughs in the area.
17. For those reasons I conclude that the adverse impacts of the proposed development outweigh the presumption in paragraph 11 of the NPPF and the appeal is dismissed.

Jan Hebblethwaite

INSPECTOR

¹ Second paragraph under the heading "Parking and Transport Facilities to the Site"

² published by Transport for London.

³ National Planning Policy Framework