



Appeal Decision

Site Visit made on 19 January 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2021

Appeal Ref: APP/B5480/W/20/3259831

127 Wennington Road, Rainham, RM13 9TR

- 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 R Budden against the decision of London Borough of Havering.
 - The application Ref P1928.19, dated 19 December 2019, was refused by notice dated 25 March 2020.
 - The development proposed is retrospective single storey one bed dwelling with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Havering has delivered 36% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. As this was also the outcome of the 2019 HDT results I have not sought further views from the parties on this matter.
3. The proposal before me follows the dismissal of a related appeal on the same site, APP/B5480/W/16/3157438. Whilst each case must be determined on its own merits, I have had regard to this decision in the determination of the appeal.
4. The dwelling has already been constructed and therefore I was able to see it as part of my visit.

Main Issue

5. The main issue is the effect of the development on the living conditions of future occupiers with particular reference to internal living standards, outlook, noise and disturbance and amenity space.

Reasons

6. Having regard to Policy 3.5 of the London Plan a 1 bedroom dwelling is required to provide 39 sqm of internal space for 1 person or 50 sqm for 2 persons. It has been put to me that the development is for a 1 bedroom 1 person unit and therefore the lower space standard should apply. However, the details provided within the Technical housing standards – nationally described space standard states that in order to provide two bedspaces, a double (or twin

bedroom) should have a floor area of at least 11.5 sqm and one double (or twin bedroom) is at least 2.75m wide. These standards are carried forward within the emerging London Plan.

7. Drawing no SP1563SK1 Rev A demonstrates that the bedroom is of sufficient size to meet the standards for two bed spaces and therefore whilst the property may have only been rented to a single occupant, I consider that having regard to the size of the bedroom, the dwelling should meet the overall space standards for a 1 bedroom 2 person unit. The evidence before me indicates that the dwelling does not provide sufficient internal space to comply with this policy. As a consequence, the dwelling would represent an oppressively confined form of residential accommodation, that would be significantly harmful to its occupants.
8. The private amenity space for the dwelling is provided to the side and rear of the dwelling. The space to the side is relatively narrow and is enclosed by a fence to enable the area to be afforded a degree of privacy, however this does restrict outlook from the kitchen and bedroom window. Having regard to the shape and size of this area it is unlikely to have any practical use for sitting out, or drying washing, given it would also provide storage for refuse. The area to the rear of the dwelling has a dual function to provide parking for a car and bicycles, with a small area of landscaping.
9. Owing to the close proximity of the car parking space, the outlook from the kitchen/lounge/diner windows would be partially restricted if a car was parked in this area. However, I note that the previous Inspector considered that this would not be of detriment to occupiers of the dwelling due to the ability for some landscaping to be provided to this area.
10. I have had regard to the points made by the appellant in relation to the size of the proposed amenity space relative to the sort of people that may occupy the proposed dwelling. Whilst a one bedroom dwelling may be occupied by a single person or childless or older couples, who may not wish to have a large garden, the proposal is still required to provide a good standard of accommodation for all potential future occupiers.
11. I have also had regard to the suggestion that the site is located within walking distance of green open spaces and the SPD does state that proximity to public open space will be considered when assessing the adequacy of provision of private amenity space. However, as I have not been provided with any details of nearby public parks or travel times to them, I can give this only limited weight. Even if they were located only a short distance away, using them would be significantly less convenient than using an appropriate amenity space at the appeal site.
12. I have also had regard to the position of the development, which abuts the rear wall of the commercial unit fronting Wennington Road, I note that in considering the previous appeal the Inspector concluded that the development would, given its proximity to the commercial properties, experience levels of noise and disturbance which would be greater than those of other occupiers within the vicinity and I have no evidence before me which would lead me to come to a different conclusion.
13. In summary, the amenity space provided is not considered to be a space which would be attractive and inviting, and therefore would not promote its use as a

space for leisure and relaxation and as a result, the proposal would not provide an adequate private amenity space. In addition, the lack of acceptable internal space, in combination with, the limited outlook from the proposed windows and its proximity to nearby commercial uses, leads to a development which would fail to provide acceptable living conditions for future occupiers.

14. In conclusion, the development fails to provide acceptable living conditions for future occupiers, with particular reference to internal living standards, noise and disturbance and amenity space and is contrary to Policy 3.5 of the London Plan and Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) which requires development to meet the needs of all people of all ages. It would also fail to accord with the Residential Design Supplementary Planning Document which states that private gardens should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation, gardening.

Other Matters

Housing Delivery

15. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning 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.
16. Taking into account the current shortfall, 1 dwelling would provide a limited contribution to housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits and provide limited support to local services.
17. Nevertheless, the identified adverse impacts of the development in respect of living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

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

G Pannell

INSPECTOR

