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## Appeal Decision

Site visit made on 26 February 2021

**by R Jones BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 March 2021

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**Appeal Ref: APP/B5480/W/20/3253414**

**39 Wolseley Road, Romford RM7 0BS**

- 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 Babar Bokhari against the decision of the Council of the London Borough of Havering.
  - The application Ref P0070.20, dated 21 January 2020, was refused by notice dated 4 May 2020.
  - The development proposed is conversion of a house in to two flats.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. On 19<sup>th</sup> 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 last three-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. Although this was also the outcome of the 2019 HDT results, further views were nonetheless sought from the parties on this matter.
3. In March 2021, after the main parties had submitted their statements, the Mayor published The London Plan 2021 (LP). It comprises the spatial development strategy for London and forms part of the development plan. The LP replaces all earlier versions. Policy D6 and Table 3.1 of the LP, which relate to housing quality and standards, are similar to their predecessors, Policy 3.5 and Table 3.3. As these policies have not significantly altered through the plan making process, I have proceeded to determine the appeal on the submitted evidence.
4. I saw from my site visit that the works to convert the house at No.39 Wolseley Road have already been undertaken and the two flats are occupied. I have therefore determined the appeal on this basis.

### Main Issues

5. The main issues are the effect of the proposal on:

- the living conditions of occupiers with reference to internal living standards and amenity space; and
- the living conditions of neighbours in respect of noise and disturbance.

## Reasons

### *Living conditions of occupiers*

6. LP Policy D6 requires housing development to be of a high-quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the need of Londoners. No.39 Wolseley Road (No.39) is a 2-storey terraced property that has been converted from a single dwellinghouse to two flats, at ground and first floor. The first-floor flat is arranged as shown on the plan (HK/04) with a kitchen/living area, two bedrooms and a bathroom accessed from a central landing. LP Table 3.1 sets out a minimum internal space standard for a 2 bedroom 3 person dwelling of 61sqm. The floor area of the first floor has been calculated by the Council, and this is not disputed by the appellant, as being only 47sqm, so a significant shortfall against the LP standard.
7. LP Policy D6 further requires a single bedroom to have a floor area of at least 7.5sqm and be at least 2.15m wide. Although the single bedroom for the first-floor flat (identified as Bedroom 1 on plan HK/04) meets the floor area requirement, I saw on my site visit that the bedroom room is narrow for around half its length, feels cramped and the actual useable area is limited.
8. Overall, I found the first-floor flat has a practical layout, is dual aspect and had good levels of natural light and ventilation. Notwithstanding this, I am not persuaded that it constitutes an '*exemplary design*' as suggested by the appellant, such that it would justify the identified shortcomings against the minimum internal space standards. Nor am I persuaded that the guidance at paragraph 38 of the Framework that local planning authorities approach decisions in a positive way lends support to the proposals given the failings in standard of accommodation provided.
9. The first-floor flat does not have access to the rear garden of No.39. Although Oldchurch Park is located to the east, only a short walk away, the absence of any access to outside space serves only to exacerbate the shortcomings of the internal space in terms of the quality of living accommodation.
10. The layout of the ground floor flat differs from the plan (HK/01) in that it shows a shower room located between the bedroom and lounge/dining area which has not been provided. The only bathroom facilities are in the outbuilding to the rear linked to the narrow galley kitchen. By including this area, the ground floor flat would just meet the minimum gross internal floor area of 50sqm for a 1 bedroom 2 person flat in LP Table 3.1. The inclusion of this outbuilding in the ground floor flat does not, however, result in accommodation that is comfortable or functional and is not representative of a high-quality living environment.
11. In conclusion, therefore, I find the development fails to provide acceptable living conditions for existing or future occupiers, contrary to LP Policy D6 and Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (DPD). These require development to be of high-quality design that meet minimum standards and complement or

improve the amenity of the area through its layout. It would further conflict with the guidance at paragraph 127 the Framework which seeks to ensure a high standard of amenity for existing and future users.

#### *Living conditions of neighbours*

12. The kitchen units within the kitchen and living area of the first-floor flat are located along the party wall with the adjoining house at No.37 Wolseley Road (No.37). It is the Council's evidence that the adjoining first floor room at No.37 is a bedroom, as would be typical of a family home, and I have no evidence before me to the contrary. DPD Policy DC4 relates to *Conversions to residential and subdivision of residential uses* and, amongst other things, requires that living rooms in new units do not abut the bedrooms of adjoining dwellings. The proposals therefore clearly conflict with this part of DPD Policy DC4.
13. I have had regard to the points made by the appellant that the conversion of No.39 into two flats would not result in an intensification of use and that a first floor living area could be created in the house without planning permission. Whilst theoretically this may be the case, the location of the kitchen units on the party wall, and the very small size of the kitchen and living area, means that there would be a degree of noise and disturbance to the detriment of the living conditions of the occupiers No.37. I note the appellant's suggestion that a condition requiring the submission of soundproofing would be accepted. However, I have no evidence before in respect of soundproofing to satisfy me that it could sufficiently mitigate the harm I have found to the living conditions of neighbours, particularly given the already very constrained size of the kitchen and living area.
14. Consequently, I conclude that the proposal would cause harm to the living conditions of the existing occupiers of No.37. In addition to the conflict I find above with DPD Policy DC4, the proposal would conflict with DPD Policy DC61, the Residential Design Supplementary Planning Document (2010) and paragraph 127 of the Framework which collectively require development to ensure a high standard of amenity for existing occupiers. Finally, there would be a conflict with LP Policy D6 in so far as it requires housing to be high quality design that is fit for purpose.

#### **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, the provision of one additional flat would make 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. I also recognise that

No.39 is in an established area of housing, with good access to services and public transport.

17. Nevertheless, the identified adverse impacts of the development in respect of the harm caused to the living conditions of existing and future occupiers would significantly and demonstrably outweigh these 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.

*R. Jones*

INSPECTOR