



Appeal Decision

Site Visit made on 8 June 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/B5480/W/21/3268020

8 Minster Court, Minster Way, Hornchurch, RM11 3TJ

- 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 G J Pavitt against the decision of the Council of the London Borough of Havering.
 - The application Ref P1498.20, dated 15 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is described on the application form as 'Loft extension to Flat No.8 Minster Court to produce 1 No. new flat'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference is made in the Council's reasons for refusal to the policies in the London Plan (March 2016). Since the appeal application was decided, the latest version of the London Plan (2021) has been published and is now part of the development plan for London. Therefore, the Council has clarified that the previous London Plan Policies 7.4 and 3.5, as referred to in the reasons for refusal, have been replaced by policies D3 and D6. This appeal is therefore determined in accordance with the most recently adopted London Plan policies. The appellant was invited to make further representations on the London Plan (2021) but none have been received.
3. The Council's written representations also refer to the 'Draft Havering Local Plan' which the Council states has undergone examination in public. However, the Council has not referred to any specific policies contained within it. Therefore, I have considered this appeal on the basis of the currently adopted development plan policies.

Main Issues

4. The main issues are as follow:
 - Whether the development would result in a satisfactory standard of living accommodation for future occupiers, with particular regard to the amount of internal floor space and private outdoor space proposed.
 - The effect of the proposed development upon the character and appearance of the appeal site and the surrounding area.

Reasons

Standard of Accommodation

5. The proposed development includes the reconfiguration of the existing first floor flat. The proposed development also includes conversion of the roofspace, to form what the appellant describes as a one bedroom flat. External alterations to the roof, would include a large flat roof rear facing dormer and two front facing pitched roof dormers.
6. London Plan (2021) Policy D6 states in part that housing development should provide internal floorspace that is fit for purpose in accordance with the standards appended at London Plan Table 3.1. The London Plan outlines that these are the minimum standards for housing development.
7. The existing first floor flat at No 8 would be re-configured, to allow for an additional staircase to be installed for access to the proposed second floor. The resultant first floor flat would include a two-bedroom flat capable of accommodating three people. The Council has suggested that the gross internal area of floorspace provided would be 46 square metres (sqm). The Appellant has not disputed this figure and I have no reason to believe that this calculation is inaccurate. Table 3.1 of the London Plan requires a minimum floorspace of 61sqm for a two-bedroom flat capable of accommodating three people. Therefore, there would be a substantial shortfall in floorspace. I consider that the re-configuration of the first floor flat at No 8 would result in particularly cramped living accommodation which would be harmful to the living conditions of the future occupiers of this flat.
8. I note the appellant's assertion that the existing first floor flat is currently occupied by a single person. However, that does not mean that it will not be subsequently occupied by more than one person, particularly given that two bedrooms would be provided. This consideration does not therefore outweigh my conclusions.
9. With regard to the proposed second floor flat, the Council and the Appellant have both suggested that this would provide a gross internal floorspace of 48sqm. The proposed floor plans submitted to the Council indicate that the flat would comprise one bedroom and an office. Whilst I acknowledge the appellant's assertion that the current economic climate has given rise to increased home working, it is not necessarily the case that the flat would be occupied by an individual who is able to work from home. In any case, even if I were to accept the appellant's assertion, London Plan (2021) Table 3.1 states that a one-bedroom two-person unit should accommodate a minimum floorspace of 50sqm. The proposed flat would marginally fall short of this. Having reviewed the layout of the proposed flat I consider that it would result in cramped living conditions for future occupiers, even if occupied as a one-bedroom unit.

10. The reasons for refusal also state that the proposed development would not provide adequate private outdoor space. The plans submitted to the Council show a small area proposed for outdoor space to serve the proposed second floor flat. The plans do not indicate how outdoor amenity space would be accommodated for the occupiers of No 8. The appellant has indicated in their appeal submissions that this could be provided to the side or front of the property. I consider that to provide the space to the front of the property would be harmful to the character and appearance of the surrounding area. The side of the property appears to be currently used for communal purposes, with a number of sheds located to the side of the building.
11. Given these considerations, it is not possible to reach a conclusion as to whether a condition could be imposed to address this issue, without further information being provided. However, given that I have found there to be harm to the living conditions of occupiers and future occupiers in other regards, this matter does not affect my conclusions.
12. The appellant has suggested that it is Government policy to allow additional floors to be added to flats. No evidence has been submitted with regard to any relevant permitted development rights, nor with regard to the prospect of any development coming forwards under any such rights. As such, this consideration does not outweigh my findings.
13. For the reasons outlined above, the proposed development would be contrary to London Plan Policy D6 and the Mayor of London Housing Supplementary Planning Guidance (2016), which both seek to ensure that new housing development provides adequate internal floorspace for occupiers. The proposed development would also conflict with Core Strategy and Development Policies Development Plan Document 2008 (DCP) Policy DC61, which seeks in part to ensure that development does not have an adverse impact on living conditions.

Character and Appearance

14. The character of the surrounding area is mixed, with variation in scale, design and orientation of properties. The properties comprising the appeal site stand out due to their scale and orientation on a corner plot. These properties are set back from the road with a railway line separating them from further residential development to the rear.
15. The proposed development would incorporate a large flat roof dormer to the rear of the existing building. Whilst I acknowledge that this would be a fairly dominant feature of the building, it would not be clearly visible from the surrounding area. The Council has suggested that the dormer would have a harmful impact when viewed from the gardens of the adjacent flats. However, I noted that these gardens are relatively short. Therefore, it would not be possible to appreciate any perceived imbalance between the structure of the roof and the proposed dormer. The dormer would merely present as an additional floor to the property. Furthermore, during my site visit, I noted that flat roof dormers on rear and in some cases front roof plains, are fairly common features of the wider surrounding area.
16. The Council's case report suggests that the dormer would be visible from the surrounding residential area to the rear, beyond the existing railway line. During my site visit I noted that this was not the case, given the extensive screening afforded to the site by existing mature trees which run along the

railway line. The Council has also suggested that trees are not permanent features and are subject to seasonal change. However, there are two dense banks of trees either side of the railway line and I do not consider it likely that they would be removed, nor would it be likely that seasonal changes would significantly reduce their ability to screen the site.

17. For these reasons. I do not consider that the proposed development would have a harmful impact upon the character and appearance of the appeal site or the surrounding area. As such, the proposed development would comply with London Plan (2021) Policy D3 and the Residential Extensions and Alterations Supplementary Planning Document (2011), which seek in part to ensure that development is in keeping with local character. The proposed development would also comply with DPD Policy DC61 insofar as it relates to protecting and enhancing character and appearance.

Other Considerations

18. Framework paragraph 11d footnote 7 explains that a presumption in favour of sustainable development is applicable where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement for the previous three years.
19. The Council has provided evidence from January 2021, confirming that 36% of the homes required in the Borough had been delivered over the previous three-year period. Therefore, the most important policies for determining the application are out-of-date. Framework paragraph 11d(ii) applies in this instance and the Council accept this. As such, 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 this Framework taken as a whole.
20. The proposed net increase of one market dwelling would provide both social and economic benefits. Given that the Council cannot currently meet the requirements of the Housing Delivery Test, the weight to be afforded to these benefits is increased. This is consistent with the emphasis on significantly boosting housing supply outlined at Framework paragraph 59. However, in weighing the benefits, I also note that one dwelling will have a very limited impact upon housing supply and delivery within the Borough.
21. In terms of the adverse effects of the proposed development, I have found that the proposed development would result in substandard living conditions for the future occupiers of No 8 and future occupiers of the proposed second floor flat. This would conflict with Framework Paragraph 127, which requires a 'high standard of amenity' for existing and future users of development.'

Planning Balance

22. In conclusion, whilst I have found no harm in relation to the effect on character and appearance, this is not a benefit of the proposed development and it therefore has a neutral effect in the planning balance.

23. The proposed development would result in harm to the living conditions of the future occupiers of the proposed development. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development, including the benefits associated with the provision of one additional residential unit. I have had regard to the appellant's comments in response to neighbour representations but there are no other matters raised which alter my findings. I therefore conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR