
Appeal Decision

Site visit made on 26 July 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2021

Appeal Ref: APP/B5480/W/20/3246160
3-7 Billet Lane, Hornchurch RM11 1TS

- 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 Mehmet Ergun Keles against the decision of the Council of the London Borough of Havering.
 - The application Ref P1850.18, dated 29 November 2018, was refused by notice dated 22 August 2019.
 - The development proposed is described as 'Conversion of residential accommodations above shop No. 3-7 Billet Lane into a 4no. Self-Contained Flats (2No. Studio & 2No. 1x Bed) with loft conversion incorporating a rear dormer for No. 5-7 Billet Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was clear from my visit to the site that the submitted existing plans do not accurately reflect the internal arrangement of the site within the roof space. However, for the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.
3. The London Plan (2021) (LP) was adopted after the Council issued its decision notice. Both parties have had the opportunity to comment on its implications for this proposal. I must determine the appeal based on the policies in place at the time of my decision.

Main Issue

4. The main issue is whether the flat within the roofspace (Flat 4) would provide acceptable living conditions for future occupiers.

Reasons

5. The evidence indicates that Flat 4 would provide a floor area of 51m² which would be partly facilitated through the provision of a large dormer window to the rear roofslope. The accommodation would incorporate a kitchen/living room and a separate bedroom and bathroom.
6. Whilst some parts of this floorspace are likely to be less usable than others, particularly on the south east side of the flat opposite the dormer windows, the appellant indicates that the floorspace within the flat would meet the relevant floor space standard.

7. For a 1 bedroom 1-person 1 storey dwelling the standard indicates that this should be 39m² and 50m² for a 2-person dwelling¹. There is nothing within the evidence which convinces me that the upper floorspace standard could not be met. The evidence is also unclear as to whether a 1 or 2 person dwelling is proposed and it may be that the dwelling could be provided on the basis of single occupation.
8. However, there is no evidence that any amenity space would be provided for occupiers of the flat. In outlining the health benefits of amenity space, SPD² guidance states that provision of amenity space is a key consideration for new residential developments and every home should have access to suitable private and/or communal amenity space.
9. The guidance is flexible in its approach to such provision. I noted on my site visit that residents of the flats did appear to have placed a small table and chairs close to the entrance to the flat on the roof above the ground floor. However, this area is in close proximity to the entrances to the flats and adjacent to large pieces of extraction equipment which appear to serve nearby commercial premises.
10. SPD guidance suggests that the fundamental design considerations for amenity space should be its quality and usability. No quality or usable open space would be provided for the flat. The proposal therefore fails to accord with SPD guidance and the requirements of Policy D61 of the Havering Core Strategy and Development Control Policies DPD (2008) (HCSDCP) which requires that development must meet the needs of all people of all ages.

Other Matters

11. The appellant suggests that the development as proposed would improve the living conditions for the existing occupiers of the flat. However, there is nothing within the evidence that indicates that the arrangement of the accommodation on the ground relating to flat 4 is lawful and I therefore afford this matter limited weight.

Planning Balance

12. The local plan dates from 2008 but the weight to be attached does not hinge on its age. Rather, paragraph 219 of the Framework³ makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. The Framework places significant emphasis on achieving well designed places.
13. At paragraph 130, amongst other things, it states that planning decisions should create places that promote health and well-being, with a high standard of amenity for existing and future users. Therefore, the conflict between the proposal and Policy DC61 of the HCSDCP should be given significant weight in this appeal. As the proposal would be contrary to this policy, there would be a conflict with the development plan as a whole.
14. The Housing Delivery Test (HDT) indicates that the delivery of housing within the borough has been substantially below the housing requirement over the

¹ Department for Communities and Local Government – Technical housing standards – nationally described space standard.

² Design for Living Residential Design Supplementary Planning Document (2010).

³ National Planning Policy Framework 2021.

past three years. In these circumstances the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The site is not within a protected area.

15. Whilst I accept that there would be economic benefits associated with the development and acknowledge the HDT figures, the contribution to housing supply would be small and I have afforded the adverse impacts significant weight.
16. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

T J Burnham

INSPECTOR