



Appeal Decision

Site visit made on 8 June 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 DECEMBER 2021

Appeal Ref: APP/G5750/W/20/3264534

688 Romford Road, Manor Park, London E12 5AJ

- 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 Dr s Dhariwal against the decision of The London Borough of Newham.
 - The application Ref 20/00925/FUL, dated 11 May 2020, was refused by notice dated 30 June 2020.
 - The development proposed is first floor side and rear extension and conversion of premises from D1 to four residential dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice refers to policies of both the 2016 version of the London Plan and the 'Intend to Publish' version. These have been superseded by the published version, The London Plan 2021 (LP). I am satisfied that the published version of the Plan does not raise any additional material issues or new policies in relation to the appeal. Where relevant, I have referred to the policies of the 2021 document in this decision.
3. In addition, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021.
4. I note that the description of the development is different on the planning application form, on the Council's decision notice, and on the appeal form. The convention is to use the wording on the planning application form for the purposes of the appeal. Whilst both the appeal form and the Council's decision notice provide more detailed descriptions, they do not conflict with that given on the planning application form. Consequently, I have used the latter in the banner heading above.

Main Issues

5. These are:
 - 1) Whether the appeal property should be retained as a community facility;
 - 2) Whether the proposal would result in poor quality living conditions for the occupants of the flats, with particular regard to internal and external space and the proximity of ground floor windows to First Avenue;

- 3) The effect of the proposal on the character and appearance of the existing building and the streetscene; and
- 4) The effect of the proposal on the living conditions of the occupants of number 1 First Avenue, with particular regard to privacy and noise and disturbance.

Reasons

Background

6. The appeal property is a two-storey building, which is situated in a prominent corner position at the junction of Romford Road and First Avenue. The property has been vacant since 2017 and was last in use as a GP's surgery. The area is mixed in character, comprising commercial properties and housing along Romford Road with First Avenue being mainly residential.
7. An earlier application to convert the property into five flats, plus extensions and alterations was refused by the Council on 3 February 2020 (reference 19/03307/FUL). The reasons for refusal were similar to the current appeal proposal.
8. The proposal is to extend and convert the building to provide four self-contained residential flats. There would be 2 x 2 bed flats on the ground floor and 2 x 1 bed flats on the first floor. The main differences between this proposal and the earlier application are a reduction in the number of flats, a reduction in the size of the extension and changes to the detailed design.

Community Facility

9. The Council considers that the appellant has failed to justify the loss of a community facility. It contends that its loss could prejudice the local needs of the population, who would benefit if it was retained for community purposes.
10. The Council acknowledges a requirement for new housing in the Borough and has no objection to the principle of residential development, subject to other material considerations. However, the Council also points to "significant pressure" for community floorspace.
11. Policy S1 of the LP seeks to ensure that London's Boroughs meet the social infrastructure requirements of their communities. The policy also states that proposals that would result in the loss of social infrastructure in areas of need should only be permitted where there are realistic proposals for re-provision, or where the loss is part of a wider public service transformation plan. In addition, Policy GG1 requires (amongst other things) development to require good access to good quality services and amenities.
12. Policy INF8 of the Newham Local Plan 2018 (NLP) also seeks to ensure the delivery and retention of community facilities. It also states that proposals to "release" community facilities to other uses, must provide evidence to show that the existing facility is surplus to requirements; has been offered to the market for a period of at least 6 months; or shown to be unsuitable in terms of its size and scale for its location.
13. The evidence submitted by the appellant clearly shows that the reorganisation of local health services means that the building will not be used for medical

services in the future and that patients have been allocated to facilities elsewhere.

14. In addition, the appellant has submitted evidence from a commercial agent stating that no interest has been shown in using the building for community use and that it has been marketed since February 2020. Furthermore, a list of community uses in the locality demonstrates a variety and number of facilities that are available for such purposes. The appellant also considers that the building is too small for community use.
15. In my opinion, this issue is finely balanced. Clearly the building has been vacant since 2017 and little prospect of it being used by a medical practitioner. However, whilst I have given weight to the statement of the appellant's commercial agent, I have not been provided with the full marketing details, including the possibility of a mixed-use development. Furthermore, I am not persuaded that the building is too small for community use. Whilst it contains a number of individual rooms, there appears to be the possibility of creating larger internal spaces, if necessary.
16. On this issue, I therefore consider that there is insufficient justification to allow the release of the building from community use at this stage. Accordingly, the proposal conflicts with the provisions of the Development Plan, as referred to above.

Living Conditions for the Occupants of the Development

17. The proposal is to create four self-contained flats, with two on the ground floor and two on the first floor. Two of the flats (flats 2 and 4) would have access to external space on the roof of the retained single-storey section of the building.
18. The Council contends that the proposal is unacceptable for because of the restricted internal arrangements; the lack of private amenity space for two of the flats; and the lack of defensible space for the ground-floor flats.
19. With regard to the Council's concerns over the restricted internal arrangement, particular reference is made to Flat 3, which is proposed on the first-floor of the building. Policy D6 of the LP seeks to provide housing of high-quality design with adequately sized rooms. The Policy stipulates (in Table 3.1) that a 2 person, 1xbed flat should have an internal floor area of 50 sqm, including built-in storage of 1.5sqm. Policy GG4 of the LP also states that development must create good quality homes that meet high standards of design.
20. Policy H1 of the HLP states (amongst other things) that all new homes should meet with the standards of the LP, as a minimum. The proposed Flat 3 has a floor area of 40 sqm including 1 sqm of storage space.
21. In my opinion, internal floorspace areas are not necessarily determinative, as the quality of accommodation also depends on the shape of the rooms, circulation space and the ability to position furniture etc. I note that the proposed rooms in flat 3 would be standard square/rectangular shapes. Nevertheless, the shortfall of some 10sqm is significant and I consider that it would result in cramped living conditions for the occupants.
22. The Council accepts that the internal floor areas of the other flats are acceptable and I have no reason to disagree with that assessment.

23. Turning to external amenity space, Policy D6 of the LP stipulates a requirement of 5 sqm for one and two person units and an additional 1 sqm for each additional occupant. In addition, Policy H1 of the NLP states that there should be adequate external space for new housing.
24. Although there would be a generous amount of private external space for the occupants of flats 2 and 4, the other two flats (1 and 3) would have none. Whilst this may not be unusual in conversions in dense urban areas, as it is often the case that the close proximity of public open space would compensate for the lack of on-site provision. However, that is not the case here. The Council points to the possibility of alternative provision within the internal arrangement of the flats. However, I am not persuaded that the benefits to the occupants would be comparable to outdoor space in terms of their health and well-being.
25. The proposed flats on the ground-floor of the building would contain a number of windows on the elevation facing onto First Avenue. These windows would serve both living and bedroom areas. The Council points to the lack of 'defensible space' and issues relating to privacy, that would result in unacceptable living conditions for future occupants. I share these concerns.
26. The appeal property is situated on the corner of a busy mixed-use area and is subject to intense activity in terms of comings and goings of both pedestrians and vehicles. I consider that the layout of the flats, particularly the position of bedrooms would result in there being an unacceptable threat to the privacy of the occupants. In addition, the occupants would be at risk of being disturbed by passers-by and vehicles.
27. Consequently, for the above reasons, I consider the proposal would conflict with the Development Plan. It would also fail to accord with paragraph 130 of the Framework, which states (amongst other things) that developments should create places with a high standard of amenity for existing and future users.

Character and Appearance

28. Policy D4 of the LP generally seeks to deliver good design. In addition, Policies SP1 and SP3 of the NLP (which I consider to be the most relevant to this issue) require development proposals to be of high quality and reinforce local distinctiveness. These policies accord with Paragraph 130 of the Framework, which states that developments should add to the overall quality of the area; be visually attractive; and be sympathetic to local character.
29. The proposal includes the construction of a rear first-floor extension above part of the existing single-storey section of the building. The extension would have a hipped roof, which would be significantly lower than the main roof of the existing building. The extension would overlap an existing shallow-pitched outrigger at the rear, which would also be extended. The extension and alterations would be visible from First Avenue.
30. The Council considers that the proposal would be an unsympathetic and discordant addition because the larger extension would be of a different roof form and massing.
31. I consider that the proposal is somewhat disjointed and lacks cohesion. The shallow-pitched rear outrigger is a distinctive feature of nearby properties and, in that regard, the proposal would fail to respect one of the main characteristic

features of the locality. Consequently, I am not persuaded that the proposal would represent high quality design, nor would it add to the overall quality of the area. As such. It would conflict with the relevant policies of the Development Plan, as referred to above.

32. The Council also points to the absence of detail in respect of the window design, materials, the glazed screening of the roof terrace and landscaping. The Council considers that these details are required to ensure that the development would be of a high-quality design and finish. I accept that it would have been preferable to have full details submitted with the proposal. However, these are matters that could be the subject of appropriately worded planning conditions, if the appeal was to be allowed. Consequently, I do not find against the proposal for this reason.

Effect on the Occupants of First Avenue

33. The Council states that the use of the proposed roof terrace would result in adverse impacts on the amenity of the occupants of number 1 First Avenue (number 1), due to loss of privacy and unacceptable noise and disturbance. Policy SP8 of the NLP states that all development should achieve good neighbourliness and minimise overlooking and loss of privacy. Policy D14 of the LP is also concerned with noise impacts, which can impact on health and the quality of life.
34. At my site visit, I was unable to clearly view the relationship between the proposed roof terrace and the rear of number 1, as I was unable to gain access onto the roof. However, due to intervening buildings and the angular relationship between the properties, I consider that there would be no undue loss of privacy, when the occupants of number 1 are in their garden. Proposed screening around the terrace (which could be the subject of a condition) would also ensure that privacy would not be compromised either within the garden or within the dwelling at number 1.
35. However, in terms of the potential for noise and disturbance, I take a different view. The proposed terrace for flat 2 would extend up to the rear boundary of the appeal property. This would be adjacent to the side wall of number 1 and close to main windows on the ground and first-floors of that dwelling. Notwithstanding any proposed screening, I consider that the use of the terrace, particularly later in the evenings would have the potential to cause unacceptable noise and disturbance to the occupants of number 1. Furthermore, I do not consider that this could be mitigated by conditions.
36. Therefore, the proposal would conflict with the Development Plan policies, referred to above.

Other Matters

37. I have taken into account the benefits of the proposal in terms of the provision of new residential units. I also consider the site to be sustainable in terms of accessibility to different modes of travel, the close proximity of local shops and services and the use of resources. However, these benefits do not outweigh the significant shortcomings and harm that I have identified above.

Conclusion

38. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR