



Appeal Decision

Site visit made on 9 November 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2022

Appeal Ref: APP/B5480/W/21/3271257
50 Princes Road, Romford RM1 2SP

- 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 Judian Chungong against the decision of the Council of the London Borough of Havering.
 - The application Ref P1670.20, dated 10 November 2020, was refused by notice dated 28 January 2021.
 - The development proposed is change of use of detached 5 bed dwelling from C3 to use class C2 (residential institution) for use as family assessment centre.
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Procedural Matter

1. The Council has recently adopted a new local plan, the Havering Local Plan 2016-2031 (HLP). I have been referred to the relevant policies which replace those of the former Core Strategy and these are referred to below.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are whether the loss of the existing dwelling is justified having regard for (a) the need for the facility, (b) the effect on the character of the area, (c) whether there would be satisfactory parking provision, and (d) whether the quality of the internal environment would be acceptable.

Reasons

4. The appeal site comprises a detached Victorian dwelling containing five bedrooms and living accommodation over three floors. It lies in a residential street of similar age properties, the majority of which are semi-detached.
5. The proposed family assessment centre would specialise in supporting parents with mental health and learning disabilities and would be occupied by up to five families which could vary in size but in total would not exceed nine adults and seven children (under five years old). The occupants would be persons who have experienced parenting difficulties whose parenting capacity is assessed in a residential environment in which they are supported with positive parenting. The Design and Access Statement (DAS) states that families would be in residence for between 3 and 9 months. The Appellant clarifies that four members of staff would also be present on the premises.
6. HLP Policy 3 states that to ensure an adequate supply of housing and to achieve the delivery of new homes, the net loss of residential development will

be resisted. Policy 6 states that appropriate housing to meet the specialist needs of local people will be supported where a number of criteria can be demonstrated. These include that the development meets an identified need within the borough, that it contributes to a mixed, balanced and inclusive community, that it does not have any unacceptable adverse impacts on the surrounding area and will not be likely to give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of nearby residential properties, that parking to meet policy requirements is provided and that the site is suitable for the intended occupiers in terms of the standard of facilities. These criteria are considered below.

Need for the facility

7. Policy H12 of the London Plan, 2021 (LP) also supports the delivery of supported and specialised housing which meets an identified need, including for those who are disabled or have mental health issues requiring intensive support. The Appellant has also referred to the Council's Corporate Parenting Strategy which includes as one of its aims to work with birth families who, with the right support, can be united with and care for their own children. Whilst there is little information regarding the specific need for such a facility, the appellant confirms that this centre would be the first of its kind in the borough.
8. The proposed use is essentially a residential use albeit an intensive one that is supported by staff and carers. I consider that it would provide an important service within the community and thereby contribute to providing a mixed, balanced and inclusive community within the area. In addition, having regard to the above, it seems to me that the proposed use is one which can be concluded to provide an essential facility necessary to meet the specific needs of a part of the community in the borough.
9. In this regard the proposal would satisfy the relevant criteria of HLP Policy 6 and LP Policy H12.

Character and amenity

10. The properties in the road appeared to be predominantly single family dwellings though some have been converted to flats. The proposed use whilst residential in nature, would, it seems to me, result in a much higher number of persons living in the property than would be likely to be associated with the lawful use of the property, even taking into account that it is a large property that could, for instance, be occupied by a multi-generational family.
11. In terms of overall numbers on the site at any one time, I note that an additional four staff members would also be present, who would work in shifts as set out in the DAS. This would be likely to result in a considerably greater level of 'comings and goings' with additional visits from health and social care professionals also taking place.
12. Whilst the increased occupancy would be unlikely to manifest in any significant impacts in terms the physical appearance of the property, the greater numbers that would occupy, work at and visit the property would amount to an intensification in use that would be likely to result in additional noise and disturbance over and above that generated by the lawful use. These impacts are somewhat difficult to assess, and I note that the Council's Environmental Health Officer has not commented. However, it seems to me that the nature of

the use with associated intensification of use as indicated above could adversely affect the predominantly residential character of the area.

13. I therefore find that I am not convinced that the appeal site would be suitable in this respect for the proposed use and therefore would lead to conflict with HLP Policy 6, 7 and 26 which seek high quality development that ensures that the amenity and quality of life of existing residents is not adversely affected.

Parking

14. There is one parking space at the property and the DAS indicates that this will be retained for disabled parking. The Appellant also states that the residents will be prohibited from having a car but does not elaborate on how that will be secured. A Parking Management Plan has been provided which states that a maximum of two on street spaces would be used through the use of parking permits; it also indicates that first priority for their use would be for residents – this appears to contradict the suggestion that residents will not have cars. The Appellant has also provided a Travel Plan (TP) which sets out how staff would be encouraged to use sustainable modes of transport to minimise the use of the car.
15. At the time of my site visit there was one car parked to the side of the dwelling and controlled residents parking was available on street. Whilst at the time of my site visit the on street parking spaces were not heavily used, and some permit parking might be possible at this time, it is likely that there is a much higher demand in the evenings. The Council and local residents highlight that the area is subject to parking stress.
16. It seems to me that the arrangements suggested by the Appellant could be acceptable for staff parking given that the site is located within walking distance of public transport which staff would be encouraged to use through the TP. Cycling also provides an option. However, the ownership of cars by residents would need to be controlled either via a planning condition or obligation in order to make the development acceptable in this regard. In my view, a condition would not be sufficient as it would be unlikely to meet the tests of precision or enforceability. Therefore, in the absence of a planning obligation agreement to control this matter, the proposal would fail to satisfy HLP Policies 6 and 24 which seek to ensure appropriate parking provision.

Internal environment

17. Both parties refer to the Technical Housing Standards (Nationally Described Space Standard), in particular the minimum bedroom sizes. Whilst this document applies primarily to dwellings, the parties do not appear to have referred to any other document or standard that would apply in this instance.
18. The plans accompanying the appeal application indicate three individual rooms on the ground floor, with communal kitchen and dining area with adjoining 'child-friendly zone' and a bathroom. On the first floor are a further four rooms, one of which is en-suite with a shared bathroom and separate w.c. serving the others. It is unclear which one of the above individual rooms would provide a communal lounge (as referred to in the Design and Access Statement) but the majority of these rooms are of sufficient size to provide double occupancy bedrooms, with one being of single occupancy size and one falling well below the required size standard.

19. Whilst the smallest rooms could potentially provide for a child that would mean that at least some of the double rooms would need to accommodate children as well as their parents. This may not be an unusual arrangement depending on the age of the child but it seems to me that overall the number of rooms is insufficient to satisfactorily accommodate the families as proposed.
20. I note that the occupants would be in residence for a relatively short period and therefore this would not be permanent situation for those families. I also note that in terms of finish and natural light and ventilation a high quality of accommodation would be provided. However, it is important that residents are provided with a good amount of usable space in this respect.
21. Overall, therefore, I consider that it has not been demonstrated that the proposal would provide a high quality internal environment for the occupants, contrary to HLP policies 6 and 7 which state that it must be robustly demonstrated that the site is suitable for the intended occupiers in terms of the standard of facilities and the level of interdependence and that the amenity and quality of life of future residents is not adversely impacted.

Other Matters

22. I have taken into account the concerns of local residents as addressed above.
23. I have also taken into account the National Planning Policy Framework (July 2021) (the Framework). Whilst it seeks to ensure that the housing needs of different groups in the community are met these should be well-designed places that function well and add to the overall quality of an area, sympathetic to local character and that create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. For the reasons set out above, I do not find that all these policies would be satisfied and overall, the proposal would not achieve a sustainable form of development.

Conclusions

24. I have found that the proposed use would be one for which there is a need within the borough and which would contribute to providing a mixed, balanced and inclusive community. However, I have found that there is insufficient information to demonstrate that the site is suitable in terms of the impact on the residential character of the area. Whilst I have considered whether it might be appropriate to allow a temporary period permission in order to enable a trial period to assess this impact, my findings in respect of other matters as set out above means that it would not be appropriate to do so at this time. Overall, therefore, I find that the loss of the existing dwelling is not justified and there would be conflict with HLP Policies 3, 6, 7, 24 and 26 resulting in a conflict with the development plan overall. Material considerations do not indicate a decision otherwise.
25. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR