



Appeal Decision

Site visit made on 14 December 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/B5480/W/21/3275373

1 Charlbury Crescent, Romford RM3 8YR

- 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 Junaid Javed against the decision of the Council of the London Borough of Havering.
 - The application Ref P0220.21, dated 8 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is conversion of garage and part of the ground floor of the dwelling to create two studio flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have omitted the word 'retention' from the description of the proposal given on the application form, as this does not refer to an act of development. However, I saw on site that the development has been completed, although the units did not yet appear to be occupied. Therefore I have dealt with the appeal on a retrospective basis.
3. The Council adopted the new Havering Local Plan (2016 to 2031) (the HLP) on 17 November 2021, during the appeal process, replacing The Core Strategy and Development Control Policies DPD (2008) which has been withdrawn. I have therefore had regard only to the relevant policies of the HLP in considering the appeal. The main parties have been afforded the opportunity to comment on this material change in the policy context, and I have taken the replies received into consideration.
4. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results, which show the Council's delivery has been continued to be below the requirement over the last three years (at 46%), and the Council remains under the 'presumption' status as it was following publication of the 2020 HDT results (36%). Therefore, the HDT results do not materially change the Council's position, nor do they have any implications for the parties' respective arguments at appeal. Therefore, it has not been necessary to seek their further views in this matter.

Main Issues

5. The main issues are:
 - Whether the appeal scheme provides an acceptable standard of accommodation, both in terms on internal and external space;

- Whether there are adverse effects on living conditions of occupants of the flats from use of the front parking area and internal corridor;
- The effect on highway and pedestrian safety from use of the front parking area.

Reasons

Standard of accommodation

6. The appeal scheme comprises two self-contained flats at ground floor level of the property at 1 Charlbury Crescent. A one-bedroom flat has been created within the former garage and utility room of the main dwelling, whilst a studio flat has been formed within a triangular side extension next to the garage. The units are separated by an internal corridor leading to the rear garden. Parking is provided for at the front of the property.
7. Policy 7 of the HLP sets out that developments should be of a high design quality that is inclusive and provides an attractive, safe and accessible living environment for new residents. To achieve a high quality living environment, the Council will support developments that meet national space standards. The Nationally Described Space Standard (NDSS)¹ sets out minimum gross internal floor areas for new residential developments. These standards are incorporated into the London Plan (March 2021), with Policy D6 requiring that dwellings must provide at least the gross internal floor area of the standards.
8. The one-bedroom flat is indicated to measure just over 25sqm in area. This would be just half of the minimum floorspace of 50sqm for a one-bedroom, 2-person flat as set out under the NDSS/London Plan. I note that the appellant argues that both flats are studio units, this being given on the description of development on the application form. However, a studio flat is generally one which has a single, open living space that can be used flexibly. The flat in this case is very clearly divided into traditional rooms and in my view should be considered as a one-bedroom flat. This aside, even if I were to consider this unit to be a studio, it would still fall well short of the required 37sqm floor area for such a unit.
9. I saw the rooms to be very small in size, and the cramped nature of the flat was evident, even with the flat unoccupied and largely unfurnished at the time of my visit. I note that the bedroom, at between 1.9m and 2.2m wide, falls short of the required width of 2.75m for a double bedroom. This was apparent as I saw the double bed in the room spanned its full width, leaving no space to circulate around it. Such is the size of the room that the remaining area not occupied by the bed is sufficient only as circulation space, and would be inadequate for even a small wardrobe or chest of drawers without hampering movement around the room.
10. Moreover, the living room is a necessary through route between the kitchen and the bathroom/bedroom. Given the position of the door to the hallway, it would be very difficult to maintain a walkway through the room and also provide adequate furniture. Very limited space is available for basic items such as a sofa or a dining table. I saw that a built-in wardrobe has been provided in the living room, but otherwise there is little space for storage. The area is also only partially lit by light through a doorway from the easterly facing rear

¹ Technical housing standards – nationally described space standard (March 2015)

kitchen window, with much of the space receiving no direct light. This adds to the poor quality of the space. Given these factors, I find that this area would be wholly inadequate as the main living space of the unit, once furniture and occupants' belongings are introduced, as occupants would not be able to comfortably enjoy or move about the space.

11. I saw that the kitchen and bathroom were finished to a reasonably good standard, and are adequate facilities. However, the 'extra floor space' highlighted by the appellant is necessary circulation space, and even then it is very limited in size. Having regard to the layout as a whole, I find that the flat provides cramped and oppressive living conditions for future occupants.
12. The studio flat is indicated to measure 10.5sqm in area. This is less than 30% of the minimum size of 37sqm for a one-person flat under the NDSS/London Plan. It comprises an awkward, triangular layout with a kitchenette to one wall and the bed and door to a second. There is so little space that the only storage units are placed high on the walls above the bed, and even then are very modest in size. The only unoccupied floorspace is barely sufficient to enable movement through the unit, and would be unable to accommodate the smallest table and chair, nor is there any obvious space for seating within the unit. In the absence of these basic facilities, occupants would face the undesirable prospect of having to eat, sleep, relax and work from the bed.
13. In addition, the only openings in the flat are rooflights in the ceiling, the obscurely glazed entrance door and a single window by the bed. This window faces onto the narrow internal corridor between the flats, and thus provides poor outlook that would add to the claustrophobic feel of the space. This combination of an oppressively small space and a lack of basic domestic facilities results in a wholly unsatisfactory standard of accommodation.
14. The Council also points to the inadequacy of the external spaces provided for each flat, and refers to its Residential Design Supplementary Planning Document (SPD) (April 2010) which states that every home should have access to suitable private and/or communal amenity space, though it stops short of setting minimum space requirements.
15. A small, triangular space exists to the rear of the one-bedroom flat with some timber decking and a patch of grass. The space is enclosed by tall, solid timber fencing which separates it from the remaining garden to the original dwelling. Given its size, it would offer no more than a modest area for sitting out, drying clothes or storage, but any combination of such activities is likely to be limited by space constraints. Such space may be sufficient for some occupants, but not others, particularly given the shortcomings with the internal floorspace and lack of dedicated internal storage. The tall fencing also creates an enclosed, unwelcoming space which would limit its attraction for occupants. Whilst I note the appellant's point that public outdoor spaces exist nearby, these would not offer the same functionality as a suitable private space, and would not compensate for the lack of internal space.
16. It is suggested in the appellant's statement of case that this area would be shared between the two flats, rather than for the sole use of the one-bedroom flat. If so, this would introduce the potential for loss of privacy to occupants of the one-bedroom flat as occupants of the studio unit could access the space and look directly into the kitchen. Otherwise, there is only a very small area to the rear of the internal corridor, which is similarly enclosed by tall fencing, but

is too small to provide any practical function as an external space. Consequently, I find that the appeal scheme does not provide suitable private external space for occupants.

17. Drawing these considerations together, I recognise that shortfalls against the relevant space standards are not the sole determinant of substandard accommodation. However, in this case, the shortfalls are exceptionally large, to the point where circulation through the unit or provision of basic items of furniture is difficult or impossible to achieve. Together with a lack of suitable outdoor space, and issues of poor outlook, lack of privacy and light, I conclude that the two flats fail to provide a suitable standard of accommodation for occupants, which would cause significant harm to their living conditions, in conflict with the aforementioned requirements of Policy 7 of the HLP and Policy D6 of the London Plan 2021.

Living Conditions

18. The Council refers to a lack of privacy for occupants of the studio flat due to potential overlooking from the internal corridor. The appellant argues that the corridor is solely for the use of the studio flat, as the one-bedroom flat has separate access to the rear. This appeared to be the case at my site visit. Should this arrangement be maintained, I am satisfied that occupants of the studio flat would not suffer from invasive overlooking from the internal corridor. Consequently, on this point, I find no harm to occupants' living conditions and thus no conflict with Policy 7 of the HLP in terms of its aims that development ensures that the amenity and quality of life of existing and future residents is not adversely impacted.
19. A further issue raised by the Council relates to the effect on occupants' living conditions due to noise and disturbance from cars being parked on or removed from the parking area to the front of the property. The arrangement of front entrances across the front elevation means that occupants of each unit would be able to park immediately in front of their own property. Given this, it would be unlikely that headlight glare from other users' vehicles would be an issue for occupants of the one-bedroom flat. The number of cars being parked would be modest and would not create constant vehicular movements to and from the site, and any noise created by comings and goings of other occupants would be occasional and brief. Therefore, I am satisfied that the parking situation is not harmful to the living conditions of occupants of the dwellings. On these particular matters, I find no conflict with Policy 7 of the HLP.

Highway and Pedestrian Safety

20. The appeal site has a PTAL rating of 2, meaning relatively poor access to public transport. The Council, referring to London Plan standards, sets out that four parking spaces in total would be required, two for the retained four-bedroom dwelling, and one each for the flats subject to the appeal. The Council points to the depth of the parking area being too short to achieve a standard parking space of 2.4m wide by 4.8m deep. As a result, the Council suggests vehicles would overhang the footpath in a hazardous manner, or that the constraints of the parking area would lead to occupants parking vehicles on the street and adding to parking stress in the area.
21. The front parking area is fully paved, with one car parked at the time of my visit. I am not provided with detailed measurements of the parking area to

ascertain if the required widths and depths would be provided. However, I saw that the depth of the parking area is similar to that which exists all along the street. I saw no other examples of vehicles significantly overhanging the footpath, which is reasonably wide. The street is also straight with good visibility and low levels of pedestrian traffic. Given these factors, I am not persuaded that vehicles parked perpendicular to the building would intrude into the public footpath to such an extent as to cause a hazard to pedestrians.

22. In terms of the number of cars which could park on the site, it appeared to me that the space to accommodate four vehicles as required by the London Plan would require a very tight and well-managed parking arrangement by occupants, and is likely to only succeed if smaller vehicles are involved. As such, I am not convinced that there is sufficient width to accommodate four standard spaces. In practice, it is more likely that three cars would be parked on site as drivers could more comfortably enter and exit their vehicles.
23. The consequence of this is that should there be a fourth car belonging to an occupant, they would be required to park on the street. The Council refers to on-street parking stress, but I am provided with no documented evidence of this. At my site visit, I saw there to be dedicated on-street parking bays which did not appear subject to parking restrictions. Several were available at the time of my visit, which could be utilised by an occupant's vehicle.
24. Based on the evidence before me, I am satisfied that the anticipated levels of parking demand generated by the appeal scheme could be accommodated without causing demonstrable harm to highway or pedestrian safety. Therefore, I find no conflict with the aims of Policy 24 of the HLP in relation to parking provision and design.

Other Material Considerations

25. The appellant argues that the appeal scheme does not represent overdevelopment of the site but rather accords with the National Planning Policy Framework (the Framework) aim of making effective use of land, particularly previously developed land. However, footnote 47 makes it clear that this is subject to there being no conflict with other policies of the Framework. In this case, due to the inadequate size of the flats, the appeal scheme fails to accord with the Framework aim of creating places which promote health and well-being, with a high standard of amenity for existing and future users (Paragraph 130). Moreover, the site was not under-utilised or in need of redevelopment prior to works commencing as it was already being put to effective use as a dwelling. Therefore, I find that the appeal scheme is not an effective use of the land, and this is not a matter that weighs in favour of the appeal.
26. The Council concedes that due to its failure to meet the requirements of the HDT, the 'tilted balance' set out at Paragraph 11 of the Framework is engaged, which states that 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.
27. The appeal scheme provides two additional dwellings for the Borough's housing stock. Given the shortfall in housing delivery in Havering, this would be a benefit of the proposal. However, two dwellings would make a very modest contribution to the overall housing targets, and the benefits in this case would

be considerably reduced given the poor standard of accommodation they have been found to provide. Therefore I afford only limited weight to the benefit of additional housing in this case.

28. There would be benefits from engagement by future occupants in the local economy. However, given the scale of the development, such benefits attract limited weight.
29. The Council did not refuse permission in respect of the effect on the character and appearance of the area. The physical extent of the building has been subject to previous planning permissions. The only changes noted by the Council are the addition of new entrance doors to the flats. These are in materials that match the existing dwelling, and therefore preserve the overall appearance of the site. I therefore have no reasons to conclude differently to the Council in this matter. However, the absence of harm means this is a neutral consideration in the planning balance.

Planning Balance and Conclusion

30. The identified benefits in this case attract limited weight in favour of the proposal. Set against this, the development would result in significant harm due to the unacceptable standard of accommodation provided and harmful effect on occupants' living conditions. Overall, I conclude that the adverse impacts I have found would significantly and demonstrably outweigh the limited benefits identified. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by Paragraph 11 of the Framework.
31. For the reasons given, I have found that the proposal would conflict with the development plan, taken as a whole. I afford significant weight to this conflict. Material considerations in this case, including the Framework, do not indicate this appeal should be decided other than in accordance with the development plan.
32. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR