



Appeal Decision

Site visit made on 7 February 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2022

Appeal Ref: APP/B5480/W/21/3282810

142 High Street, Hornchurch, RM12 6QX

- 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 GKC Property Group against the decision of London Borough of Havering.
 - The application Ref P0449.21, dated 10 March 2021, was refused by notice dated 23 July 2021.
 - The development proposed is described as “extension to the existing first floor to create two new apartments”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application the subject of this appeal was determined, the Council has adopted the Havering Local Plan 2016-2031. I have consequently determined this appeal in accordance with the policies in this new local plan.
3. The appellant has obtained prior approval for the conversion of the first and second floors of the building into flats. I have no reason to doubt that these conversions will be carried out and have determined this appeal accordingly.

Main Issues

4. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupiers; and,
 - Whether it makes acceptable provision for a car-free development.

Reasons

Living conditions

5. The bedrooms of the proposed flats would face the rear elevation of the existing building. A privacy screen is proposed that would prevent overlooking between the proposed flats and approved first floor flat. However, this would result in an extremely constrained outlook from the approved first floor flat and the proposed flats, the bedrooms of which would look onto the screen at just over two metres' separation. These bedroom windows would also face the two-storey wall of the existing building at less than 4.5 metres separation, further resulting in poor outlook from them.
6. The proposed flats would meet the Council's minimum internal space standards, and in that regard would provide an acceptable standard of accommodation. However, the proximity of the existing two-storey wall would result in limited natural light reaching the proposed bedroom windows. It is not

clear from the submitted evidence that future occupiers would have an acceptable level of natural light in these rooms.

7. The screen between the proposed and approved flats would prevent overlooking between the flats at first floor level, and the pergola and landscaping to Unit B would also provide privacy for the occupiers of that unit. Overlooking from the approved second floor flat would be at such an acute angle that it would not be harmful to the occupiers of the proposed flats.
8. Overall, however, the proposed development would fail to provide acceptable living conditions for the occupiers of the proposed flats and the approved first floor flat. It would consequently conflict with Policy 7 of the Havering Local Plan 2021 (the LP) which amongst other criteria requires that developments not result in an unacceptable loss of outlook or daylight and sunlight.

Car parking

9. The appellant is willing to enter into a Section 106 agreement to secure a car-free development, and the Council have indicated that this would be acceptable in principle in accordance with Policy 24 of the LP which states that legal agreements may be used to restrict eligibility for on-street parking permits. However, no such agreement has been provided for me to consider, so the appeal proposal fails to make acceptable provision for a car-free development that would accord with the requirements of LP Policy 24.

Planning Balance

10. The Council has failed to meet its housing delivery targets in the last three years. The presumption in favour of sustainable development set out in the National Planning Policy Framework is therefore engaged.
11. The development would result in the creation of two new dwellings, supporting the Government's objective of significantly boosting the supply of homes. The flats are small and would be cheaper units. The development is in a sustainable location with access to shops, services and public transport. The flats would be built using sustainable construction techniques, including a green roof that would deliver biodiversity enhancements. While the scale of the proposals is limited to two one-bedroom flats, given the shortfall in housing delivery these benefits collectively carry moderate weight in favour of the proposed development.
12. These benefits must be weighed against the harm that would result from the proposed development. The development would fail to deliver acceptable living conditions in the proposed flats and would compromise the living conditions of the occupiers of the approved first floor flat. The development would also fail to secure car-free parking. Collectively these adverse impacts carry great weight in the overall balance and would significantly and demonstrably outweigh the benefits of the proposed development.
13. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

14. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR