



Appeal Decision

Site visit made on 22 March 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MAY 2022

Appeal Ref: APP/B5480/W/21/3281718

11B Clockhouse Lane, Romford RM5 3PH

- 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 D Patel against the decision of London Borough of Havering Council.
 - The application Ref P0995.21, dated 21 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed was originally described as change of use of the first floor of 11b from B1(a) offices to C3 residential - (1 bedroom flat).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In November 2021, after submission of the appeal, the Council adopted the Havering Local Plan 2016 – 2031 ("The Havering Local Plan (2021)"). The new local plan replaces policies of the Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document (2008), and the Havering Residential Design Supplementary Planning Document (2010). I have taken account of representations made by the parties in relation to the new local plan in coming to my decision.

Main Issues

3. The main issues are the effects of the proposed development on living conditions: (i) for future occupiers, with regard to the provision of private amenity space and the surrounding environment, and (ii) the occupants of flats opposite the proposed entrance and future occupiers of the development, with regard to privacy.

Reasons

Living conditions – future occupiers of the development

4. The appeal site is a parcel of land containing a ground floor shop unit with residential use above, and a two-storey rear brick-built structure in use as offices. The proposal relates to the first floor of the rear structure which is accessed from a first-floor external walkway serving residential units above shops, and also by a metal staircase from a service road.
5. London Plan (2021) Policy D6 requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings. No private outdoor space is proposed, but the appellant states that a small yard area at the rear entrance is accessible to

future occupants, where cycle and bin stores would be provided. Private outside space should be practical in terms of its space and utility, and space for bin and cycle storage would not provide functional external space in the same way as a garden, terrace, balcony, or courtyard. The development would therefore not meet this requirement.

6. Existing residential units on the first and second floors are accessed via an external first-floor walkway at the rear of the building, but the appeal site lies on the opposite side of the walkway, within a commercial area associated with retail and restaurant units on the ground floor. The industrial appearance of, and outlook onto, this area, and noise and disturbance arising from its use for servicing, delivery, and the operation of plant, would not be a suitable environment for residential use. Access to the rear of the building is particularly poor for residential car and cycle use with its poorly maintained surface and lack of suitable drainage, and the absence of suitable lighting or natural surveillance. Overall, despite the proposed pedestrian access from the first-floor walkway on its south-eastern side, the commercial environment of the surrounding area would not be a suitable environment for residential use.
7. In conclusion, the proposed development would harm the living conditions of future occupiers, with regard to the provision of private amenity space and the surrounding environment and would conflict with the relevant provisions of the Havering Local Plan 2016-2031 (2021) Policy 7, which relates to residential design and amenity, London Plan Policy D6 and the London Housing Design Guide Supplementary Planning Guidance (the London Housing Design Guide) as they relate to private open space.

Living conditions – privacy of existing and future occupiers

8. There are no windows on the side elevations of the proposed unit, and the proposed entrance door and kitchen/dining room window would play a significant role in providing outlook for future occupiers. Opposite the appeal site residential flats 9A and 11A Clockhouse Lane, in particular, have large windows facing the appeal site. Whatever the actual function of those rooms, the proposed development would introduce direct overlooking between them and the proposed flat at very short distances. It would therefore introduce an unacceptable degree of intervisibility which would be harmful to existing neighbouring occupiers and future occupiers of the proposed development.
9. The proposed development would harm the living conditions of the occupants of flats opposite the proposed entrance and future occupiers of the development, with regard to privacy, and would conflict with Havering Local Plan 2016-2031 (2021) Policy 7, as it relates to overlooking and loss of privacy.
10. The Council also state that the development would conflict with the Residential Extensions and Alterations Supplementary Planning Document, but without further reference to it. This document is not before me but is not likely to be applicable to the proposed development as a proposed dwelling, rather than extension or alteration of an existing one.

Other Matters

11. The Council state that the Havering Local Plan 2016-2031 (2021), adopted in November 2021, was found sound, and was adopted in 2021 in the absence of a five-year land supply. Although the Council states it is committed to an

immediate update of the Local Plan, paragraph 11(d) of the Planning Policy Framework (the Framework) is engaged.

12. The benefits of the development are the small contribution one additional dwelling would make towards increasing housing supply and addressing the shortfall in an accessible location in an urban area. Although the Framework seeks to significantly boost the supply of homes, it also aims to achieve healthy lifestyles and well-designed places. The harm I identify above in relation to the living conditions of neighbouring occupiers and future occupiers of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Conclusion

13. For the reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR