



Appeal Decision

Site visit made on 10 May 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27/05/2022

Appeal Ref: APP/B5480/W/22/3290057

38 Vestry Court, 2 Bournebrook Grove, Romford RM7 0GX

- 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 R Narayan against the decision of the Council of the London Borough of Havering.
 - The application Ref P1773.21, dated 8 September 2021, was refused by notice dated 3 December 2021.
 - The development proposed is conversion of property from C3 to C4 small 4 person HMO.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The provision of affordable family housing;
 - Vehicle parking; and
 - Development plan policy on Houses in Multiple Occupation (HMOs).

Reasons

Family sized affordable housing

3. The appeal property has been secured as an affordable family housing unit via a S.106 agreement regarding a previous planning permission. The Council emphasises an identified need for affordable family housing, and refers to the Outer North East London Strategic Housing Market Assessment which reports a high need for family homes of 3 bedrooms or more for affordable housing. This need is reflected in policy 4 of the Havering Local Plan 2021 (the Local Plan) and policy H4 of the London Plan 2021 (the London Plan) which require certain forms of residential development to provide a proportion of affordable homes.
4. The appellant refers to demand for HMO accommodation in the area, although this evidence is of an anecdotal nature. I am mindful that a HMO may increase the range of accommodation available in the area in response to demand from different groups. However, the HMO as proposed would not fall within the definition of affordable housing as set out in the National Planning Policy Framework. More fundamentally, it has not been demonstrated that the need

for HMO accommodation is such that this outweighs the identified need for affordable family housing.

5. I conclude that due to the loss of an affordable family dwelling, the proposal would conflict with policies 4 of the Local Plan and H4 of the London Plan with regards to delivering affordable housing.

Vehicle parking

6. The Council refers to parking stress in the area and congestion on the surrounding highway network. I saw that parking in the area was restricted and that the single allocated parking space for the property would be unlikely to be sufficient given the number of potential residents of the proposal.
7. However, the Council accepts that a unilateral undertaking (UU) on behalf of the appellant which restricts the eligibility of future occupants to obtain parking permits would address its concerns on this matter.
8. A draft UU has been provided which the Council accepts meets its requirements, although this has not been completed and is therefore of no legal effect. Had I been minded to allow this appeal, I would have given the appellant the opportunity to complete the UU. However as I have dismissed this appeal for other reasons I have not progressed this matter so that the parties are not put to unnecessary expense.
9. In the absence of a completed UU restricting future occupants from obtaining parking permits, I conclude that the proposal would not make suitable provision for the parking of vehicles. The proposal would therefore not comply with policy 24 of the Local Plan with regards to parking provision.

Development plan policy on HMOs

10. Policy 8(i) of the Local Plan states that the Council will support applications for HMOs where it can be demonstrated that the overall size of the original property to be converted is not less than 120sqm, amongst other things.
11. The Council contends that the property has an internal floorspace of 112sqm and has provided a plan which depicts the floorspace as areas of shading. However, the Council's calculations do not reflect the dimensions shown on the base plan, including a clear specification that the dwelling has a floorspace of 120.8sqm. I am not persuaded that the Council's calculations are correct, and it has therefore not been demonstrated that the proposal would conflict with policy 8(i) in respect of the floorspace of the dwelling to be converted.
12. Reference has been made to changes in the classification of another property in the area as well as evidence regarding ceiling heights within the proposal. On that basis, the Council now accepts that the proposal would comply with other elements of policy 8 referred to in its reason for refusal in respect of the proportion of HMOs in the street and living space standards.
13. Based on the evidence before me, I therefore conclude that the proposal would comply with the requirements of policy 8 of the Local Plan in respect of HMO's.

Conclusion

14. Notwithstanding my conclusion in respect of development plan policy on HMOs, the proposal would result in the loss of an affordable family dwelling and would

not make suitable provision for vehicle parking. The proposal would therefore conflict with the development plan in respect of delivering affordable housing and parking provision. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR