



Appeal Decision

Site visit made on 26 March 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/B5480/W/22/3305428

Arden Court, Flat 1-13 Squirrels Heath Road, Romford RM3 0LH

- 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 Smylie against the decision of the Council of the London Borough of Havering.
 - The application Ref P1719.21 dated 27 August 2021, was refused by notice dated 5 August 2022.
 - The development proposed is Retrospective application for the development of roofspace to provide 3 no. 1 bedroom self contained flats. Addition of 3 no dormer windows, additional balcony screening, extended and improved communal amenity space, parking amendments and new bike shelter.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the development was partially complete with the 3 additional flats the subject of this appeal occupied however supplementary works have not been carried out for instance the installation of the dormer windows. The application made clear that the scheme was submitted on a part retrospectively and I have dealt with the appeal on that basis.
3. Plan L11 Rev A, submitted by the Appellant was not considered by the Council during the application process. Notwithstanding this the Council has had the opportunity to comment on the plan during this appeal. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this submission of this plan.
4. I understand that there is an investigation by Planning Enforcement with regard to other departures from the approved scheme which are to be considered separately.

Main Issues

5. The main issues in this appeal are the effect of the development on:
 - (i) the living conditions of existing and future occupiers of the newly created flats; and
 - (ii) the character and appearance of the area.

Reasons

Living Conditions

6. The London Plan (2021) requires a 1 bedroom, 2 person, 1 storey dwelling to provide 50sqm GIA.
7. The Nationally Described Space Standard (2015) (NDSS) sets a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. I understand that to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is outlined as a requirement in Policy D6 of the London Plan.
8. I note that the plan detailing the layout of the third floor with the proposed dormer windows in place submitted during the appeal (Dwg No: L11 Rev A) provides details in relation to space standards. The key on the plan highlights that each flat exceeds the 50sqm GIA, however the key also indicates that the percentage of area between 2.3m and 1.5m is between 78%-85%. Whilst this could be an error on the key, I must base my decision on the plans before me. Notwithstanding this the plan also shows that the ceiling height is a maximum of 2.45m. On this basis the proposed layout does not comply with the space standards as set out in the London Plan.
9. Whilst the dormer windows would provide a single aspect to the flats, I note that the rooflights are at a height which would allow views from inside the flats, on this basis I am satisfied that the flats would have dual aspects.
10. Private amenity space is not provided for the newly created flats, whilst improvements have been proposed to the public amenity space I have not been provided with substantive evidence to support a deviation from the requirement in the provision of private amenity space.
11. I conclude that the Appellant has failed to demonstrate that the development would not harm the living conditions of existing and future occupiers of the newly created flats. There is conflict with Policy 7 of the Havering Local Plan 2016-2031 (2021) (the Local Plan) and Policy D6 of the London Plan which amongst other things seeks to protect the amenity of existing and future residents.
12. There is also conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure developments maintain a high standard of amenity for existing and future users.

Character and Appearance

13. The site is a constructed within a predominantly residential area characterised by properties of various designs. A utilitarian footbridge is located over the adjacent busy highway in front of the appeal site.
14. The increased massing of the roof over that previously approved¹ would increase the prominence of the building in this location. The building has also been constructed closer to the shared boundaries with neighbouring properties with different alignment to that approved, however the increased height and massing of the development would not be incongruous or overbearing to

¹ Application Ref: P1203.11

surrounding properties. Also due to the location of the adjacent footbridge the development would not look out of keeping with the immediate area.

15. I conclude that the proposed development would not harm the character and appearance of area. There is no conflict with Policies 7 and 26 of the Local Plan which amongst other things seek to ensure developments are of high quality design which complement the local streetscene.
16. There is also no conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Other Issues

17. The Appellant contends that a fallback position should be given weight citing that under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the construction of up to two additional storeys of residential accommodation on top of existing purpose-built blocks of flats is permitted. However, I disagree, this permitted development right is not applicable to the appeal scheme which comprises flats and not a dwellinghouse.

Planning Balance

18. The Council confirm that they cannot currently demonstrate a five year supply of deliverable housing sites. In accordance with the Framework there is therefore a presumption in favour of allowing new residential development.
19. The proposal would result in benefits in terms of providing much needed additional housing, in a sustainable location. The proposal would also have economic benefits through spending in the local area by future occupiers. Collectively these benefits attract weight in favour of the proposal, given the shortfall in housing delivery.
20. Whilst the I have found that there is not harm to the character and appearance of the area arising from this development and the Framework clearly indicates a presumption in favour of new residential development, the concerns that I have identified in terms of the living condition of existing and future occupiers of the newly created flats weigh against the proposal. In balancing these matters, I consider that the harm that I have identified, outweighs the Borough wide requirement for new housing.

Conclusion

21. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR