



Appeal Decision

Site visit made on 18 April 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/B5480/W/22/3310205

7 Market Place, Romford RM1 3AB

- 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 Daniel Selt of W & L Investments LLP against the decision of the Council of the London Borough of Havering.
 - The application Ref P1365.19, dated 29 August 2019, was refused by notice dated 26 May 2022.
 - The development proposed is a 3-storey rear extension over parking area, roof extension, new fenestration and alterations to facilitate conversion to create 6 additional flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development was described on the planning application form as "Front gable extension, rear gable extension over parking, roof extension, new fenestration, conversion to create 7 additional flats". The scheme was amended while the planning application was being determined, including reducing by one the number of proposed dwellings. I have therefore used the revised description from the appeal form in the banner heading above, to reflect the proposal in its current form.
3. While the appeal was being determined, the appellant submitted additional evidence relating to the housing land supply position in the borough in the form of the Council's Authority Monitoring Report for 2021–22 ("the AMR"). While this was submitted outside of the normal timetable, it related to a document which had only just been published and therefore could not have been provided earlier. Both main parties were given the opportunity to comment on the AMR, and I am therefore satisfied that neither party's interests have been prejudiced by my accepting this evidence.
4. The Government published a revised National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the previous version dating from July 2021. The amendments made did not have any bearing on the issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the September 2023 version.

Main Issues

5. The main issues are:

- Whether or not the proposed development would provide acceptable living conditions for future occupiers, with particular regard to daylight and sunlight, outlook, and natural ventilation, and
- Whether or not the development would lead to an unacceptable increase in demand for on-street car parking.

Reasons

6. The appeal property is a three-storey building on a relatively deep and narrow site, with its main frontage on the Market Place within Romford town centre. There is a commercial unit on the ground floor, an office on the first floor, and two two-bedroom flats on the second floor. A small open yard at the rear accessed from The Mews provides parking spaces for the occupiers of the commercial unit, as well as access for servicing such as refuse collections.
7. The proposed development comprises the erection of an extension over the rear parking area at the north end of the building, a roof extension, new fenestration and other alterations (including the reconfiguration of the two existing flats on the second floor) to facilitate the provision of six additional flats, so that the building would contain eight flats in total. The commercial unit on the ground floor would be retained.

Living conditions

8. Three flats would be created on the first floor (moving back from the Market Place frontage into the rear extension these would be Flats 1, 2 and 3 respectively). On the second floor the existing front flat would be retained as Flat 4, with Flats 5 and 6 created from the remodelled existing rear flat and within the rear extension. The third floor, created within the proposed roof and rear extensions, would accommodate Flats 7 (at the rear) and 8 (towards the Market Place). External terraces would be provided for Flats 1, 2, 4, 5, 7 and 8 within the existing lightwell set into the eastern side of the building; Flats 3, 6 and 7 would have terraces as part of the rear extension.
9. The appeal site is hemmed in on both sides by other buildings, and this has influenced and limited the proposed internal layout and the positioning of windows. The development plan and the Framework both seek to ensure that new residential schemes are well-designed, with a high standard of amenity for occupiers (including by ensuring that they receive sufficient daylight and sunlight), in an attractive environment. There is disagreement between the main parties as to whether or not the proposed development would achieve these aims.
10. Although Flats 1 and 4 would have large south-facing windows overlooking the Market Place, their two bedrooms would have windows opening onto the covered balconies on the east side of the building. The combined living/dining room in Flat 2 would be an L-shape extending some distance from away from the balcony window which would be the sole source of natural light for that room, while it appears that the kitchen would have a window opening onto the internal link corridor. Parts of the HSBC building east of the appeal site would be higher than, and immediately adjoining, the balconies for Flats 1 and 2, and

so would be especially likely to limit the daylight and sunlight reaching the nearest rooms within those flats.

11. Flats 3 and 6 would be north-facing single aspect dwellings, and although the combined kitchen/living/dining rooms would have large windows, the bedrooms in these flats would rely on single balcony doors for natural light. The combined kitchen/living/dining room in Flat 5 would have a single, relatively small, window on the west side of the building, and (as with Flats 1 and 4) the two bedrooms would each have a window/door onto the balcony.
12. These six flats would therefore each have habitable rooms where the windows would be relatively small, would open onto covered balconies, or both. There are also discrepancies between the submitted drawings in respect of the size and placing of windows or doors for several of the flats. This gives rise to considerable doubt that the flats would receive adequate amounts of daylight and sunlight. This may be likely to be less of an issue for Flats 7 and 8 because of the number and position of the third floor "rooflights" (most of which in fact would be set in the pitched sides of the roof rather than horizontally), but even that is not certain; in any case, it would not alleviate a lack of daylight or sunlight in the other dwellings.
13. The appellant acknowledges that "the amount of daylight/sunlight that will be received may be below BRE standards¹ for new residential units", but drew my attention to paragraph 125 of the Framework which states that in determining applications for housing development, "authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)". As the appellant has not provided any technical information on levels of daylight and sunlight within the flats, the extent of any shortfall cannot be assessed. I am therefore concerned that as many as six of the eight flats within the proposed development would not receive adequate daylight and sunlight, and so would not provide acceptable living conditions for occupiers.
14. Because of the proposed layout, several of the habitable rooms within the development would also have a poor or constrained outlook. This would be particularly so for the rooms within Flats 1 and 2 opening onto the covered balconies and partly hemmed in by the adjacent HSBC building, but it would also be likely to affect the corresponding rooms in Flats 4 and 5 above. The two bedrooms within Flat 8 would only have rooflights in the ceiling and so would offer an outlook only of the sky.
15. The development plan seeks "to normally avoid the provision of single-aspect dwellings", and the Council considers that "most of the units" would be what it terms "enhanced single aspects". Bearing in mind that the proposed development is for the adaptation and extension of an existing building in a town centre location which is constrained by, among other things, the presence of buildings on either side, the specific site circumstances suggest that some flexibility on this point may be appropriate. At the same time, even if I were to accept the appellant's argument that only Flats 3 and 6 would in fact be single aspect and that all of the flats would have adequate passive ventilation, this would not address the other shortcomings in living conditions which I have found.

¹ As set out in *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (3rd edition, 2022)

16. I conclude that the proposed development would not provide acceptable living conditions for future occupiers, with particular regard to daylight and sunlight, and outlook. Because of this, it would conflict with Policy 7 of the 2021 Havering Local Plan ("the HLP") and Policy D6 of the London Plan 2021. Together, and among other things, these policies require new development to be well-designed, and to provide a high-quality living environment for its future occupiers.

Car parking

17. The appeal site's location in Romford town centre is close to bus stops serving numerous routes, and Romford railway station lies some 500m or so to the south. The site has a Public Transport Accessibility Level ("PTAL") of 6a, signifying excellent public transport connectivity. It also lies within a Controlled Parking Zone ("CPZ").
18. Policy 24 of the HLP and Policies T6 and T6.1 of the London Plan 2021 seek the provision of car-free residential development in Metropolitan Centres and all areas of London with a PTAL of 5 or 6. The two existing car parking spaces at the rear of the site would be enclosed as part of the appeal scheme, but would be retained for the occupiers of the commercial unit on the ground floor. No car parking spaces would be provided for occupiers of the proposed flats.
19. The appellant has submitted a planning obligation in the form of a Unilateral Undertaking. It includes provisions to ensure that any occupier of the proposed development would not be entitled to acquire a permit for the CPZ, other than if they were entitled to a Disabled Person's Badge. This would effectively secure the car-free status of the residential development.
20. I conclude that the development would not lead to an unacceptable increase in demand for on-street car parking. It would therefore comply with Policy 24 of the HLP and Policies T6 and T6.1 of the London Plan 21 which, among other things, seek to manage and control demand for on-street parking by supporting the provision of car-free and permit-free development.

Other Matters

21. The appeal site is within the Romford Conservation Area ("the RCA"), and within the setting of two nearby Listed buildings; The Lamb public house, which is Grade II Listed and which adjoins the western edge of the appeal site, and the Grade II* Listed Parish Church of St. Edward the Confessor which is a short distance away to the north-east. I therefore have statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and to have special regard to the desirability of preserving the setting of the Listed buildings. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 189). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 200) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 202).
22. The Council's officer report was somewhat confused on these matters. However, neither the RCA nor the nearby Listed Buildings were referred to in the reasons for refusal and, in any event, it falls to me to draw my own conclusion on this matter.

23. From the evidence before me and my observations on my site visit, I consider that the significance of the RCA so far as relevant to this appeal is derived from the presence of the group of high quality historic buildings at the western end of the Market Place, including The Lamb and the Parish Church, close to the appeal site, and the way the RCA also illustrates the evolution of shopping in the town from the historic market through the 19th and 20th centuries. The Council's Character Appraisal and Management Proposals document ("the CAMP") identifies No 7 Market Place, the appeal property, as making a neutral contribution to the character of the RCA.
24. The Parish Church dates from 1849, and is described in the CAMP as "a large and ambitious church in ragstone" which provides "a reminder of Romford's modest market town origins". The church, set in the churchyard with its mature trees and attractive stone walls, is a very attractive feature of the Market Place when seen close up, while its tall spire is a landmark across much of the town centre. The Lamb, meanwhile, is a relatively simple two-storey building described in the CAMP as "[continuing] the sense of relatively intimate enclosure at this end [of the Market Place]".
25. The proposed development would see the front elevation of the appeal property remain essentially unaltered, and its contribution to the streetscape of the Market Place between The Lamb and the Parish Church would be unaltered. In longer views, from towards the eastern end of the Market Place, the angled rooflights and the slightly increased overall roof height would make the appeal property a slightly more prominent part of the backdrop to the Parish Church. However, this would generally be in glimpsed views among other features of the skyline and partly screened by the trees in the churchyard (when in leaf); it would not be an especially intrusive feature in the surrounding mixed urban environment.
26. I note the comments of the Council's built heritage officer that "the proposed larger openings in the rear elevation would put significant emphasis on the building in the views of [the Parish Church] from The Mews". At present though, apart from the Parish Church, the streetscene on The Mews is dominated by the rear elevations of buildings on North Street and, to a lesser extent, those on Market Place (principally the appeal property itself and the adjacent HSBC building). None of these presents an especially attractive image to The Mews, nor do they form an impressive setting for the Parish Church. While the rear extension towards The Mews would be a reasonably prominent addition to the existing building, it would also represent an opportunity to improve the unattractive appearance of the appeal site's rear yard and, in a small way, screen some of the other rear elevations facing the Parish Church.
27. In I have carefully considered all the evidence before me, including my observations of the appeal site and surrounding area made during my site visit. Because of discrepancies in the submitted drawings, for example in respect of the size and positioning of windows², had the proposal been acceptable in all other respects it would have been necessary to impose a number of conditions to address this, as well as to ensure that materials and design details were of a suitably high standard for the sensitive location within the RCA and close to Listed Buildings. Subject to the imposition of such conditions, however, for the

² Such as, for example, differences in the size of the east side balcony windows between the "proposed plans" drawings (7MP-PL-05A 1/2 Rev. P9 21.10.21 and 7MP-PL-05B 2/2 Rev. P9 21.10.21) and the "proposed elevations" drawing (7MP-PL-10 Rev. P9 21.10.21)

reasons I have set out in the preceding two paragraphs I am satisfied that the character and appearance of the RCA, and the setting of the Parish Church and The Lamb, would be preserved.

28. Part of the appellant's evidence referred to the Council's handling of the original planning application, including that the case officer had indicated that they would be recommending approval of the application, but that the application was subsequently refused permission having been reviewed by the Council's management. However, while I understand that this would have been enormously frustrating to the appellant, it is not a matter directly related to the planning merits of the proposed development and has had no bearing on my determination of this appeal.

Planning Balance and Conclusion

29. While the proposed development would comply with some of the provisions of the development plan, including in respect of car parking provision, the significant harm I have found in respect of living conditions for future occupiers means that it would conflict with the development plan taken as a whole.
30. The Council's officer report indicated that a new Local Plan had been adopted in November 2021 which set a "stepped" housing target to be applied retrospectively. The Council explained³ that the Government had subsequently issued updated Housing Delivery Test ("HDT") results which showed that it had met 78% of its housing requirement over the three-year period to 2021. However, it also acknowledged that it cannot demonstrate a five-year supply of deliverable housing sites; the latest AMR indicated that, including the required 20% buffer, the current housing land supply stands at 4.00 years.
31. In line with footnote 8 of the Framework, I consider that the most important policies for determining the appeal should be considered out of date, and the provisions of paragraph 11d) applied. These state that planning 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.
32. The Framework seeks to significantly boost the supply of housing; it also highlights the important contribution small sites can make to meeting the housing requirement of an area, and notes that they can often be built-out relatively quickly. The net gain of six dwellings which would result from the proposed development would make a modest contribution to boosting the supply of homes within Havering. The scheme would increase the use of an existing developed site which is well-located for access to shops and other services; future occupiers would be likely to support local businesses. There would also potentially be some economic benefits arising from employment and training during construction. Given the small scale of the scheme these benefits, in total, carry moderate weight in favour of the proposal.
33. The development would also result in the payment of Community Infrastructure Levy to the Council, although by definition this would largely be to mitigate the effects of the proposed development in planning terms. I have also found that there would not be an unacceptable effect on demand for car parking. I consider these to be neutral factors in the overall balance.

³ In its comments in respect of the AMR for 2021—22.

34. I have found that the flats within the scheme would not provide acceptable living conditions for future occupiers, and this is a matter which carries significant weight in the overall balance. Poor-quality housing created today would also be likely to still be in use many years in the future. The proposed development would conflict with the provisions of Chapter 12 of the Framework, which seek to achieve well-designed places. In particular, it would conflict with the specific requirements of paragraph 126, which states that good design is a key aspect of sustainable development, and paragraph 130, which seeks to ensure that development functions well and provides a high standard of amenity for existing and future users.
35. Overall, I consider that the harm from the development significantly and demonstrably outweighs the benefits when assessed against the Framework taken as a whole. The proposal would not amount to sustainable development in the terms set out in the Framework.
36. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
37. The proposed development conflicts with the development plan, taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
38. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector