



Appeal Decision

Site visit made on 24 October 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/B5480/W/23/3316446

127-133 High Street, Hornchurch, Havering RM11 1TX

- 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 Parkhall Estates against the decision of the Council of the London Borough of Havering.
 - The application Ref P1624.22, dated 27 September 2022, was refused by notice dated 21 December 2022.
 - The development proposed is the construction of an additional storey to create 5 residential flats behind the existing parapet wall, including a green roof, internal alterations and access from the existing entrance on North Street.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Several drawings were amended during the application process to provide information on streetscape and material finishes. I have limited evidence of consultation on them. However, as they do not materially change the proposal, I have had regard to them in my determination of the appeal as I am satisfied that the interests of parties would not be prejudiced.
3. The appellant states that the internal alterations to the existing second floor flat and associated alterations to create an internal staircase to the second floor could be carried out without planning permission. However, these are part of the scheme before me, and I have considered the appeal based on the submitted plans.

Main Issues

4. The main issues are:
 - whether the proposed development would provide acceptable living conditions for existing and future occupants, with particular regard to noise and disturbance, light, internal space, and external space;
 - whether the proposal would achieve a satisfactory mix of dwellings; and
 - the effect of the proposed development on parking provision and highway safety.

Reasons

Living conditions

5. The site comprises a corner building adjacent to a busy road junction within Hornchurch District Centre. There are shops and services at street level with a vacant snooker club on the first floor, accessed via a door and stairs onto North Street, and several flats on the second floor, accessed from North Street through a rear yard and external metal staircase.
6. Occupiers of the existing and proposed flats would share the access door and stairs with the users of the first floor commercial premises. The development would remove the need for existing residents to use the yard and external staircase, improving the physical access to their flats. The snooker club does not attract large groups of people arriving at the same time, but its customers congregating around the shared entrance doorway and using the same stairway as the residents would cause noise and disturbance to existing and future occupiers when accessing their flats. Whilst the appellant suggests this could be overcome by a condition requiring the installation of a second, internal doorway, accessed only by residents, no details have been provided to demonstrate that this would alleviate the harm.
7. The living/kitchen rooms would have east and south facing 2m high windows. Whilst some would be dual aspect, the living/kitchen rooms of three flats would have windows on only one elevation. Given the depth of these rooms and in the absence of evidence on daylight/sunlight levels to the proposed units, it is unclear that there would be sufficient natural light to these kitchens. Furthermore, two flats would have living/kitchen rooms with east facing windows only so evening sunlight to them would be limited.
8. Policy D6 of the London Plan (LP) requires a 2.5m minimum floor to ceiling height for at least 75% of the dwelling and a 50sqm gross internal floor area (GIA) for one bedroom two person dwellings. The third floor flats would have 3.1m floor to ceiling heights which meet these requirements, but there is limited internal height information for the proposed reconfigured second floor flat. There would be improved physical access, layout and aspect to the modified second floor flat, and a generous layout and satisfactory outlook to the proposed two bedroom flat on the third floor. However, although the existing second floor flat's GIA falls below policy standards, this would not justify the proposed GIA falling short of the minimum 50sqm required. Therefore, the reconfigured second floor flat would provide a substandard amount of internal accommodation for future occupants.
9. LP Policy D6 requires the provision of at least 5sqm of private outdoor space per flat, but none is proposed. Even though the building's design and location may make balconies impractical, there is no evidence that alternative external space solutions have been explored which would not compromise the building's appearance or harm living conditions. The appellant is willing to contribute to enhancing existing nearby open spaces and the HLP indicates that proximity to public spaces will be considered when assessing the adequacy of private space provision. However, these have a different function to private space and there is little evidence that the proposed design and layout is sufficient to justify no amenity space provision. Although existing nearby dwellings do not have private outdoor space, these were approved when different policies applied. Therefore, the proposal would not provide adequate private external space.
10. Overall, I conclude that the proposed development would provide unacceptable living conditions for existing and future occupants, with particular regard to

noise and disturbance, light, internal space and external space. This would be contrary to Policies D5, D6 and D11 of the LP and Policies 7, 10 and 26 of the Havering Local Plan 2021 (HLP). Together, these require residential development to provide a high quality living environment for existing and future residents, including in relation to daylight, sunlight, noise and disturbance, and the provision of outdoor and indoor space, amongst other things. It would also conflict with the National Planning Policy Framework (the Framework) which requires decisions to provide a high standard of amenity for existing and future users and a safe and suitable access for all users, and the Nationally Described Space Standard.

Dwelling mix

11. Policy 5 of the HLP requires all housing schemes to include a proportion of family sized homes and to reflect the housing mix in the accompanying table unless it is robustly demonstrated that a variation to the mix is justified. It is clear from the table that the need for 2, 3 and 4+ bed market housing is significantly greater than the need for 1 bed market housing.
12. The high density development would mainly comprise one bedroom flats. Although the third floor corner flat would provide two bedrooms, this would be offset by the reduced size of the existing second floor flat from two to one bedroom. The flats would be accessed via stairs, in a district centre location adjacent to a busy road which may not appeal to some families. However, there is limited evidence to justify the proposed mix, and the size of the proposed units would fail to provide a choice of housing to reflect the local market housing needs.
13. Therefore, I conclude that the proposal would not achieve a satisfactory mix of dwellings. It would be contrary to Policy H10 of the LP and Policy 5 of the HLP. Together, these require schemes to provide a range of unit sizes, including a proportion of family sized homes to meet local market housing needs. It would also conflict with the Framework where it requires consideration to be given to the size and type of housing including families with children.

Parking provision and highway safety

14. The site is in Hornchurch District Centre, with a PTAL of 4 (good) at the front, located close to a busy junction where there is no on-street parking. There are public car parks in the vicinity. The proposed car free development would have cycle parking provision and good access to services and public transport.
15. LP Policies T2, T6 and T6.1 and HLP Policies 23 and 24 support development in locations accessible by a range of transport options, including car free development where it is well connected to public transport, and seek to ensure safe use of the highway and avoid adverse impacts on the transport network. They also aim to minimise car parking provision without undue risk of parking overspilling onto surrounding streets.
16. The parties accept that a legal agreement or condition could be used to restrict the eligibility of future occupiers for on-street residential parking permits. However, there is no evidence of which controlled parking zones would be affected or that issuing parking permits to future occupants would harm highway safety in these areas. The site has good access to services and public transport so future residents would be unlikely to need a car and the lack of

on-street parking close by would place a natural restriction on car ownership. Even if they did own vehicles, there is no indication that the future occupiers and their visitors could not park in nearby public car parks.

17. Consequently, I conclude that the proposed development would not harm parking provision and highway safety. It would comply with Policies T2, T6 and T6.1 of the LP and Policies 23 and 24 of the HLP. Together, these seek to minimise car parking provision and support car free development in locations well connected to public transport, amongst other things. It would also accord with the Framework which requires the potential impacts of development on transport networks to be addressed.

Other Matters

18. The Council does not raise concerns or find development plan conflict in relation to several other matters, including design, scale, waste, and access. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. However, the absence of harm does not carry weight in favour of the proposal.
19. The appellant's general dissatisfaction with their interactions with the Council during the application process is a matter between those parties and it cannot have any bearing on my determination of this appeal.

Planning Balance and Conclusion

20. The Council accepts that it is currently unable to demonstrate a five year supply of deliverable housing sites. I note the appellant's comments that, in the last three years, the Council has failed to meet targets and the Housing Delivery Test of 2021 confirms delivery at 78%. With the absence of substantive evidence to the contrary, this represents a significant shortfall. Therefore, paragraph 11(d) of the Framework is engaged.
21. Paragraph 11(d)(ii) of the Framework confirms that in circumstances such as these, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The proposal would make a modest contribution of five dwellings to the supply of housing in a District Centre with good access to services and public transport, on a site which is at low risk of flooding and would not affect conservation areas or listed buildings. It would contribute towards Havering's housing supply on a small site which makes better use of urban land in accordance with some local, London and national planning policies. However, five dwellings would make little difference to the overall supply of housing and addressing the shortfall. Therefore, I attribute modest weight to this benefit.
23. In contrast, the proposal would result in unacceptable living conditions and dwelling mix. The Framework requires decisions to provide a high standard of amenity for existing and future users and safe and suitable access for all users, and consideration to be given to the size and type of housing. I have concluded that the proposal would conflict with Policies D5, D6, D11 and H10 of the LP and Policies 5, 7, 10 and 26 of the HLP in these respects which are broadly

consistent with the Framework. These matters combined carry significant weight against the scheme.

24. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
25. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR