



Appeal Decision

Site visit made on 8 February 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 26.02.2024

Appeal Ref: APP/B5480/W /23/3321307

86 Station Road, Gidea Park, Romford, RM2 6DB

- 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 M Butler against the decision of Havering London Borough Council.
- The application Ref P0072.23, dated 15 January 2023, was refused by notice dated 6 April 2023.
- The development proposed is demolition of garage, single storey rear extension and internal alterations to create a 1 bed, self-contained dwelling.

Appeal B Ref: APP/D1590/W/23/3327073

86 Station Road, Gidea Park, Romford, RM2 6DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mr M Butler against the decision of Havering London Borough Council.
 - The application ref P0722.23, dated 10 May 2023, was refused by notice dated 7 July 2023.
 - The development proposed is demolition of garage, single storey rear extension and internal alterations to create a 1 bed, self-contained dwelling.
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Decision

Appeal A Reference APP/B5480/W/23/3321307

1. The appeal is dismissed.

Appeal B Reference APP/D1590/W/23/3327073

2. The appeal is allowed and planning permission is granted for demolition of garage, single storey rear extension and internal alterations to create a single storey, 1 bed, self-contained dwelling at 86 Station Road, Gidea Park, Romford, RM2 6DB in accordance with the terms of the application, Ref P0722.23, dated 10 May 2023, subject to the conditions set out in the schedule at the end of this decision.

Preliminary matters

3. Both appeals relate to the same site. The application forms for both appeals described the proposed development as "single storey rear extension and internal alterations to form 1 Bed dwelling". The council changed this to the description used in the heading above, as did the appeal form for appeal B. I have adopted it as it more clearly identifies the development proposed.

4. As set out above, there are two appeals on this site. They both relate to proposals with the same descriptions. In appeal A the rear extension would extend out from the existing building by 9.7m with a 'terrace' 2.5m deep, while in appeal B the rear extension would extend to 7.8m with a terrace some 4.4m deep (all dimensions rounded).
5. To avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues – Appeal A and Appeal B

6. Both appeals are for development that has the same description, the principal differences being in the length of the rear extension and the resulting size of the terrace. The refusal reasons for the appeal A proposal included a matter of car parking loss, which was not repeating on the appeal B decision. Nevertheless, since both proposals include the same loss of a garage/parking, I see no reason not to deal with the issues as affecting both schemes.
7. The main issues in these cases are: i) the quality of the living conditions of the proposed dwelling for future occupants in respect of outlook from the habitable rooms, the adequacy of daylight or sunlight, the quality of amenity space provision, and the environment of the access to the dwelling; ii) the adequacy of provision for cycle storage for the proposed dwelling, and space for refuse and re-cycling for the existing flat and the commercial user of the site; and iii) the loss of car parking provision.

Reasons

8. The appeal site is a two-storey terraced building with a ground floor commercial unit, currently being used as an office. On the first floor is a residential unit which has been extended at first floor level to the rear to provide a 3-bed unit. At the rear of the building is a hardstanding area, with rear access through a garage, which is used for parking. To the west of the hardstanding area the adjoining property has a ground floor extension that runs for most of the length of the appeal site, but not quite to the extent of the whole of the garage
9. Access to the commercial unit and to the existing residential accommodation, is from Station Road, and from the rear access in the case of the office. The appeal site is within Station Road Local Centre (Nos.84-96). Development in the locality is typified by a mixture of two-storey terraced and semi-detached premises, predominantly with commercial uses on the ground floor with residential above and single storey rear additions or outbuildings. The designated local centre is within a mainly residential area.

The quality of the living conditions of the proposed dwelling for future occupants

10. In both appeal schemes the lounge and bedroom have natural light and ventilation in full compliance with Building Regulations. The kitchen/breakfast areas do not require natural light and ventilation under the Building Regulations but rooflights are proposed to be provided to these areas. The floor space for the accommodation in both schemes adheres to policy guidance. I also note that the lounge and bedroom would have windows/doors at the rear of the flat which would face south. I consider that this would be satisfactory.

11. The refusal notice asserts that the main access to the proposed dwelling would be via the poor environment of the service road which would not be readily used late in the evening due to fear of crime. This is a misunderstanding of the proposal. As the plans show, access to the proposed flat is from the front in Station Road and not from the access road to the rear. This element of the refusal is therefore unfounded.
12. Turning to matters of outlook and outdoor amenity space, it is in this respect that the 2 appeal schemes differ significantly.
13. Appeal A would have a longer indoor living area, leaving a small amount of space within the site for the outdoor amenity area. This outdoor amenity 'terrace' area would be the floor area of the garage. Since the garage is built partly beyond the next door rear extension, the terrace would have the high wall of the neighbour's extension to the west, followed by a fence said to be 1.5m high. The remainder of the terrace would also have a continuation of the fencing.
14. Since the outlook from the proposed flat would be solely across this small terrace area, I do not regard it as satisfactory. The rear fence would be 2.5m from the rear wall of the flat, leaving little room for a table and chairs and any soft features such as pot plants that would be of a scale that would enhance the outlook. I conclude that this feature of the scheme is unsatisfactory to provide a reasonable quality of living conditions for future occupants.
15. Appeal B has a smaller indoor living area, but a larger area of outdoor amenity space. I have already noted, in paragraph 10 above, that the indoor accommodation in both appeals would be satisfactory. The larger terrace area proposed in appeal B, which would be almost 4.5m deep, could accommodate a table and chairs and would be of a sufficient size for plants and other decorative features of the occupiers choosing to provide visual delight. That would provide a reasonable outlook from the flat, whilst the proposed fencing would give sufficient privacy whilst not making the area uncomfortably enclosed. I therefore find this proposal satisfactory in this respect.

The adequacy of provision for cycle storage for the proposed dwelling, and space for refuse and re-cycling

16. The internal hall to the flats in both proposals would provide sufficient space for 2 cycle spaces with level access from the front and rear, as is shown on the ground floor plan of drawing No.519622-2 revision B.
17. The appellant explains that the current ground floor office and the maisonette place refuse bags outside on the day of collection and the same could apply to the proposed flat: refuse vehicles cannot enter to the rear or enter the narrow road access. I see no reason why the current arrangements for refuse collection should not also be satisfactory for the proposed flat.

Car parking provision

18. As the officer points out in the delegated report in respect of the appeal A application, there may be potential for an increase in parking stress on and around Station Road, although access to the local train station/bus stops and the impact of local parking restricting does lessen the likelihood of parking stress. The accompanying Planning Statement for the appeal B scheme advises that the applicant is prepared to enter into a Section 106 Agreement to prohibit

future occupiers of the flat from being able to apply for parking permits, effectively rendering this a car free scheme. The officer concluded on this matter that, given the council's Highways Department did not raise an objection to a car free scheme and given the close proximity to Gidea Park Station, the previous issues pertaining to car parking have been suitably resolved.

19. As a result, the previous refusal reason was not included on the appeal B planning refusal notice. Since the site has a PTAL level of 3 (Moderate). The London Plan policy T6.1 (Table 10.3) sets the maximum residential parking standards for this development to be up to 0.75 spaces per dwelling. Therefore one parking space is the maximum residential parking provision for this development. Since this is a maximum number of spaces, the intention of the policy is to reduce the amount of car parking provided. Bearing in mind that the site is located in reasonable proximity to Gidea Park railway station, including serving the newly opened Elizabethan Line, I agree that the car parking issue does not justify refusal of planning permission.

Conclusions

20. For the reasons that I have set out above, the flats in both proposals would provide an acceptable quality of internal living conditions for future occupants. There would also be adequacy of provision for cycle storage for the proposed dwelling, and space for refuse and re-cycling, in the same way as the existing maisonette and office are serviced. The matter of car parking does not warrant the refusal of permission.
21. In respect of outlook and outdoor amenity space, I reach different conclusions on the 2 appeals. The proposals in appeal A are not acceptable for the reasons given in paragraphs 13 and 14 above. The appeal B proposals however provide a terrace area that could accommodate a table and chairs and would be of a sufficient size for plants and other decorative features to provide visual delight. That would provide a reasonable outlook from the flat, whilst the proposed fencing would give sufficient privacy whilst not making the area uncomfortably enclosed.
22. I have taken into account all other matters including the updated Housing Delivery Test result for 2021 for the borough and its lack of a 5-year housing land supply, and the circumstances of the Inspector's report recommending the adoption of the Local Plan. The relevant fact is however that the council has an unsatisfactory housing supply record and paragraph 11(d) of the National Planning Policy Framework becomes germane. However, in the light of my conclusions it would not be right to allow an unsatisfactory dwelling as proposed in appeal A, and the matter is irrelevant for appeal B in view of my decision to allow it.
23. In view of the matters dealt with in paragraph 21, I will dismiss appeal A but grant planning permission on appeal B.

Conditions

24. Since I am allowing appeal B, the statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). I consider

that the conditions should be imposed but, for clarity and to ensure compliance with the PPG, I have amended some of the text.

25. The conditions are necessary for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; conditions 4, 5 and 7 are to ensure no loss of privacy to the neighbouring property; condition 6 is to ensure that the Local Planning Authority has control over future development that might affect neighbours' living conditions; conditions 8 and 9 are to comply with Policy 7 of the Havering Local Plan and Policy D7 and Policy SI 5 of the London Plan; condition 10 is to avoid sound transmissions affecting neighbours; condition 11 is to ensure a satisfactory appearance and to protect privacy; and condition 12 is to ensure that facilities for refuse and recycling are provided in a satisfactory manner.

Terrence Kemmann-Lane

INSPECTOR

APPEAL B - APP/D1590/W/23/3327073

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, drawing No. 519622-2, revision B.
- 3) All new external finishes shall be carried out in materials to match those of the existing building.
- 4) The proposed roof light positioned above the kitchen shall be permanently glazed with obscure glass not less than level 3 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted plan) shall be formed in the flank wall(s) of the building hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including additions to roof) shall be made to the dwelling hereby permitted, without the express permission in writing of the Local Planning Authority.
- 7) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
- 8) The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
- 9) The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 10) Prior to any work on the development hereby approved, except for work of demolition and ground preparation, the applicant shall provide a scheme to the Local Planning Authority for its written approval detailing sound transmission reduction measures to be installed within the separating walls or ceiling/floor between the proposed dwelling and existing commercial premises and maisonette to limit airborne sound transmission. The scheme shall be designed to be 5dB better than that given in Approved Document E 2010. The sound insulation and noise control measures shall be carried out prior to the first occupation of the

development hereby approved strictly in accordance with the approved details and shall be maintained as such thereafter.

- 11) Prior to first occupation of the development hereby approved, details of all proposed enclosure around the external terrace shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out prior to the first occupation of the development hereby approved in accordance with the approved details and retained permanently thereafter.
- 12) The development shall not be occupied until details of how and where refuse will be stored and managed are submitted to and approved in writing by the Local Authority and carried out on site in accordance with the approved details. The refuse storage shall be permanently retained thereafter.

End of Schedule