



Appeal Decision

Site visit made on 6 February 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/B5480/W/23/3327320

14 Victoria Avenue, Romford RM5 2QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Gedas Macevicius against the decision of the Council of the London Borough of Havering.
 - The application Ref P0644.23, dated 24 April 2023, was refused by notice dated 19 June 2023.
 - The development proposed is conversion to 1no. 1b2p and 1no. 3b5p self contained flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but nevertheless, a different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
3. On site, a conversion to form 2 flats has taken place. However, what was on site at the time of my visit deviates from that proposed on the submitted plans. In particular, the flat identified on the submitted plans as "Flat 1" had no rear access door to the back garden and the garden had not been divided into two. The room identified as the Flat 1 study was not laid out as such but contained a cot bed. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.
4. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The Council and the appellant have been given opportunity to comment on the revised Framework. I have had regard to the revised Framework in my decision.

Main Issues

5. The main issues are:
 - whether appropriate living conditions would be provided for the occupiers of Flat 1 with particular reference to their internal space; and
 - the effects of the living room proposed to serve Flat 1 upon the living conditions of the occupiers of the other flat in the host property (the "Main House") and upon the occupiers of 16 Victoria Avenue

Reasons

Internal space

6. Together, policy D6 of the London Plan, 2021 (LP) and policy 7 of the Havering Local Plan, 2021 (HLP) seek to ensure that housing developments are of a high quality of design and provide adequately-sized rooms with comfortable and functional layouts for occupants. As a part of this, policy D6 sets out certain private internal and external space standards which developments are required to meet. This includes particular floor area requirements and a floor to ceiling height, the latter of which policy 7 also requires adherence to. Policy D6 sets out that its space standards apply to all new self-contained dwellings and therefore, I have no reason to conclude that the standards do not apply to the proposal.
7. The minimum floor to ceiling height set out within policy D6 is 2.5m for at least 75 per cent of the gross internal area of each dwelling. The appellant has submitted that the Flat 1 floor to ceiling height would be 2.4m. Therefore, the policy requirement would not be met. Even though the floor to ceiling height to be delivered may not be significantly below that required by the development plan, policy D6 is clear that its space standards are a minimum requirement and exceedance of them is encouraged. In failing to meet this minimum space standard, I find that Flat 1 would not be a home of high quality and that appropriate living conditions would not be provided for its occupiers.
8. The Flat 1 kitchen/dining and living rooms would have elongated shapes whilst the location of staircases would have some compromising effects upon their useability. However, these rooms are of considerable depth so, in the round, I find that the floor area of these rooms would be adequate for the 1 bedroomed 2 person occupancy flat proposed.
9. Despite this, I have identified that the floor to ceiling height of Flat 1 would be deficient. As minimum space standards would not be met, appropriate living conditions would not be provided for the flat's occupiers. The proposal would therefore conflict with the requirements of policy D6 of the LP and policy 7 of the HLP.

The effects of Flat 1's living room

10. Policy 9 of the HLP relates to conversions and property subdivisions for residential use and amongst its advice requires that such developments do not conflict with surrounding uses. A criterion of the policy is that the living areas of new properties should not abut the bedrooms of adjoining properties.
11. No 14 Victoria Avenue adjoins neighbouring No 16 at ground floor level only. There is a clear and quite wide gap between the properties at the first floor level. The Flat 1 living room would be situated on the first floor. It would, therefore, not abut a bedroom within No 16. Given this arrangement, the transfer of noise from the proposed living room into bedrooms within No 16 would be minimal and not harmful.
12. The proposed Flat 1 living room would have two staircases at one end. Given this, its more useable floorspace would be at the opposite end of the room. Here, the living room would not abut a bedroom within the "Main House" unit but a bathroom and staircase. Only a part of the proposed living room would abut a bedroom within the Main House. The part of the room which would

directly abut would be one of the staircases. I accept that the room and these staircases may be open plan but given its layout, I find it likely that most of the room's activities, use and therefore noise, would be likely to take place away from the section of the wall shared with the adjoining bedroom. For these reasons, although Flat 1's living room would partly abut a neighbouring bedroom, the effects of this would be mitigated and the levels of noise and disturbance which would arise from the arrangement would not unacceptably harm the living conditions of the occupiers of the Main House unit.

13. Therefore, whilst I have identified that Flat 1's living room would partly abut a bedroom within the neighbouring Main House, no unacceptable harm would be derived from this. The proposed living room would not abut a bedroom within No 16 nor harm the living conditions of its occupiers. Overall, there would be no conflict with surrounding uses and as a whole the proposal would comply with policy 9 of the HLP.

Other Matters

14. The principle of the development would be acceptable with the site having reasonable access to public transport and local services. The proposal would result in no harm to the character or appearance of the area. The plans show that both Flat 1 and the Main House would be served by rear gardens, refuse and cycle storage together with car parking spaces and no harm would be caused to the local highway network. The site may be located within an area the subject of low flood risk whilst the appeal site may also not be the subject of any particular land designation or sensitivity. Objections to the development have not been raised by other Council services. However, the absence of harm in relation to these matters is a neutral factor in my determination and does not outweigh the harm I have identified in the first main issue.

Planning Balance and Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
16. The evidence before me indicates to me that the Council cannot demonstrate a 5-year supply of deliverable housing. Paragraph 11(d) of the Framework is therefore engaged. In this case, there are no applicable policies within the Framework that protect areas or assets of particular importance which provide a clear reason to dismiss the appeal. Accordingly, I must consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
17. In subdividing the house and creating 2 flats, the proposal would be increasing housing supply by a single unit. This would be at a time when the Council cannot demonstrate a 5-year supply of housing. Given this, the contribution that the proposal would make to boosting the supply of housing is an important consideration in my determination.
18. However, the contribution to supply would be very modest. Flat 1 would not meet the minimum space standards set out within the development plan. The additional housing that would be delivered would therefore not be of high quality. The adverse effect of not delivering housing of sufficient quality would significantly and demonstrably outweigh the benefit of the proposal's

contribution to housing supply when assessed against the policies in the Framework taken as a whole. This is the case even at a time when the need for more housing within the Borough is significant.

19. Therefore, although the proposal would accord with some development plan policies, the harm that I have identified within the first main issue means that the proposal would conflict with the development plan taken as a whole. This conflict is not outweighed by other considerations, including the Framework. In conclusion, for the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR