



Appeal Decision

Site visit made on 27 February 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/B5480/W/23/3329078

29 Station Road, Harold Wood, Havering, Romford RM3 0BP

- 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 DPA (London) Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0401.23.
 - The development proposed is the conversion of the loft into a studio flat.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. A draft Planning Obligation was provided with the appeal. However, this was not completed by the date of the site visit. A further four weeks was allowed for this to be completed and this deadline was also missed. No further time for representations was given.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

5. The main issues are:
 - a) the effect of the development on the character and appearance of the area;
 - b) whether the future occupants of the proposed development would have satisfactory living conditions having regard to the provision of outdoor space;
 - c) the effect of the proposed development on existing on-street parking provision; and
 - d) whether the future occupants of the proposed development would have satisfactory living conditions having regard to internal space.
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Reasons

Character and appearance

6. The existing building comprises one end of a parade of shops addressing Station Road. All buildings within the parade are brick built under tiled roofs. The roof forms are a mixture of hips and gables. 29 Station Road is characteristic of other such premises with accommodation at first floor, with the roof being hipped although this is not a defining quality of buildings in the area. To the rear are a variety of extensions and additions, commonly these are in the form of single and two storey rear projections although all are subordinate to the form of the original buildings. There are no notable alterations or additions to rear roof slopes.
7. The proposal includes a rear roof extension in the form of a large 'box dormer' window. This would be set low in the plane of the roof and effectively join onto the existing flat roofed rear projections beneath. This would give an awkward appearance that would visually jar with the established characteristics of the rear roof slopes described above. This would be prominent in the views available of the side of the building from the side access road and add to the imposing form, scale, and appearance of the rear projections below it. Although the Council's policies and guidance allow for similar styled 'box dormer' roof extensions, these should be contained well within the body of the roof, by being set well back from the eaves, and by setting the sides well in from any gables or party walls. In this instance the proposal would occupy a large proportion of the rear roof slope, leaving only a small gap to the eaves and the side adjacent the access road.
8. However, having regard to the established roof forms facing Station Road, the alteration to change the western hip to a gable, with roof lights in the front roof slope, would not have a detrimental effect upon the character and appearance of the area.
9. Despite my findings in relation to the change from a hip to a gable and associated roof lights, I conclude that the 'box dormer' window would have a significantly detrimental effect on the character and appearance of the area. Hence, it would conflict with policies 7 and 26 of the Havering Local Plan 2021 (HLP) that, amongst other things, seek to ensure that new development respects the character and appearance of the area.

Living conditions – outdoor space

10. The site is set within the small shopping area of Harold Wood. Except for some small areas of largely ornamental greenspace, there is a negligible provision of outdoor public amenity space in the vicinity. The proposed studio would provide no dedicated outdoor space for the occupants. Although policy 7 of the HLP policy allows for balconies and communal outdoor space to be provided as an acceptable solution, policy D6 of the London Plan 2021 (LonP) requires a minimum of 5 square metres to be provided. The latter is the higher standard, and in any case, no balcony or communal space is proposed. As such, policy D6 would need to be applied in this instance.
11. I am mindful of the site's proximity to local shops and services, the train station and the convenience that follows from this. Even so, given the paucity

of outdoor amenity areas in the locality, this does not overcome the concerns I have identified.

12. I therefore conclude that the living conditions for the future occupants would be adversely affected by a lack of private outdoor amenity space. It would not comply with policy D6 of the LonP and policy 7 of the HLP. These policies, amongst other matters, aim to ensure that development does not adversely affect living conditions.

Parking provision

13. As has been noted, the site is located within the small shopping area of Harold Wood and is very close to Harold Wood train station. The site is also within a Controlled Parking Zone (CPZ) with a high parking demand and has no off-street parking. The provision of one dwelling therefore has the potential to result in an increase in on-street parking demand. The appellant has provided a draft Planning Obligation to prevent future occupants from applying for a parking permit. This is to mitigate potential increased demand for parking provision in this area which benefits from a high PTAL rating within the CPZ.
14. The Planning Obligation had not been completed at the time of the site visit, nor following an extension of time. There is therefore no legal mechanism to restrict future occupiers from applying for permits.
15. It has been nominated that a condition could be imposed to require the subsequent completion of this Planning Obligation. The Planning Practice Guidance notes that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate. In this respect I have considered the example of Cheshunt Football Club¹ however this example is of a significantly different scale and nature to the development proposed here and incorporated affordable housing such that the circumstances are not transferrable. In any case, the appeal is to be dismissed and the provision of a completed Planning Obligation would not alter the outcome here.
16. In the absence of the Planning Obligation, the proposed development is likely to have a harmful effect on existing on-street parking provision. Hence, the proposal does not comply with policy 24 of the HLP and policy T6.1 of the LonP. These policies relate to the provision and accessibility of parking spaces for new dwellings.

Living conditions – internal space

17. Policy D6 of the LonP and policy 7 of the HLP require studio flats to achieve a minimum of 37 square metres in accordance with Table 3.1 of the LonP and the Nationally Described Space Standard (NDSS).
18. The scheme relates to a studio flat at second floor, the stairs for which enter the room from first floor level. The Council's position is that the stairs should be excluded in calculating the Gross Internal Area (GIA), so what is proposed would fall below the 37 square metres required for a one storey dwelling. However, paragraph 3 of the NDSS is clear that stairs have already been accounted for in arriving at the figures in the table. Paragraph 8 also states flights of stairs and voids above stairs are included in the calculation.

¹ APP/W1905/W/21/3271027

19. The circumstances of the development in the appeal decision at Thornton Heath² are similar to those here. However, I have arrived at a different conclusion to the Inspector in that appeal as the staircase in that scenario was internally connecting two floors of a two storey dwelling whereas this proposal is simply providing access to a single storey dwelling.
20. Accordingly, the stairs should be included as they have already been accounted for in establishing the figures in the NDSS. The future occupants of the proposed development would therefore have satisfactory living conditions with regard to the provision of indoor space. Hence, the proposal complies with policy D6 of the LonP and policy 7 of the HLP. These policies, amongst other matters, aim to ensure that a development provides a satisfactory quality of life for future residents.

Planning Balance

21. The Council cannot demonstrate a five-year housing land supply of deliverable housing sites. Consequently, the provisions of paragraph 11(d)ii of the Framework should be applied.
22. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal would be harmful to the character and appearance of the area and result in substandard living conditions for the future occupants. The Framework seeks to ensure that development creates quality spaces with a high standard of design, and I give significant weight to the conflict between the proposal and policies D6 and T6.1 of the LonP and policies 7, 24 and 26 of the HLP in this respect.
23. Set against the identified harm, the proposal would make an efficient use of land within an existing urban area and meet the Framework's objectives of boosting the supply of housing. However, the benefits associated with a single new dwelling would be minimal in the context of the Borough's overall shortfall. Nevertheless, I give the provision of this additional dwelling, in these circumstances, moderate weight. I have found the internal living space to be in accordance with Table 3.1 of the LonP and NDSS but this can only attract neutral weight.
24. However, I conclude that the adverse impacts on the character and appearance of the area, living conditions of the future occupants with regard to outdoor space and lack of parking provision would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The conflict I have found means that the development would not comply with the policies of the development plan, read as a whole. The Framework is an important other material consideration, and the Council cannot demonstrate a five-year housing land supply. However, as set out above, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits and material considerations are not of sufficient weight to warrant a decision other

² APP/L5240/W/20/3251891

than in accordance with the development plan. Therefore, the appeal should be dismissed.

Nick Bowden

INSPECTOR