



Appeal Decision

Site visit made on 8 April 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/B5480/W/23/3329497

66 Victoria Road, Romford RM1 2LA

- 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 APCO Plumbing Limited against the decision of the Council of London Borough of Havering.
 - The application Ref is P0918.23.
 - The development proposed is described as partial demolition of existing e class building and part change of use to provide ground floor commercial unit and 4 new dwellings together with refuse and cycle provision and private amenity space per unit.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.
3. Since the application was determined a revised National Planning Policy Framework (the Framework) has been published. However, the relevant parts have not materially changed therefore I have not sought further comments from the parties. I am satisfied that no party's interests have been prejudiced by my taking this approach.
4. As part of the appeal submission, the appellant has put forward revised drawings which show ceiling heights and bathroom doors. I am mindful that the appeal process should not be used to evolve a scheme to overcome the Local Planning Authority's reasons for refusal. However, as these annotations do not fundamentally alter the scheme, I am satisfied that no party would be prejudiced by my taking this plan into consideration in the determination of the appeal. I have, therefore, dealt with the appeal on this basis.

Main Issues

5. The main issues are:
 - whether the proposal would provide a satisfactory standard of accommodation for future occupiers;
 - the effect of the development on the vitality and viability of the Romford Metropolitan Centre (RMC);

- whether the proposal would achieve a satisfactory mix of dwellings; and
- Vehicle parking.

Reasons

Living conditions

6. The proposed development would share a comparable relationship to the footway as nearby dwellings found on King Edward Road and the development approved at 64 Victoria Road (No 64). However, from my observations on site and the evidence presented, the development at No 64 and nearby properties do not appear to have bedrooms located on the ground floor.
7. The appeal site is located within the RMC and in proximity to a number of commercial premises. Although my observations are only a snapshot at a particular time of day, I observed vehicular parking in the adjacent alleyway and a steady flow of pedestrians passing the appeal site on both sides of King Edward Road. As such, occupiers of unit 1 are likely to experience high levels of noise and disturbance to all habitable rooms.
8. This activity and noise would have the potential to result in intrusive noise and disturbance throughout unit 1 with limited relief available to the occupiers. Moreover, the amenity space to be provided to unit 1 would be subject to this noise and disturbance and adequate privacy could only be achieved by the provision of a tall enclosure.
9. Notwithstanding the harm identified above concerning unit 1, many nearby residential properties have some form of internal privacy screen, such as blinds, that allow for adequate natural light to enter the property and provide privacy. Such internal features are commonplace for residential areas. As it would likely be standard practice to offer rooms such privacy options, I find no reason why the proposed scheme would not provide adequate privacy and a sufficient outlook to future occupiers even when taking into consideration the unit is single aspect.
10. There is no dispute between the main parties that the internal floor areas would be acceptable. However, the bedroom sizes for units 1 and 4 would fail to achieve the minimum standard. The appellant does not dispute this. In failing to provide the minimum standard, these rooms would be cramped and would not be sufficient to provide satisfactory living conditions for occupiers.
11. There is a dispute by the main parties over the width of the outdoor amenity space to be provided. Nonetheless, it is acknowledged by the appellant that units 3 and 4 would fail to achieve the required private outside space. As such, even if the width of some units did achieve 1.5 metres not all units meet the required minimum size. Whilst I have noted the proximity and size of local public open space, I am unconvinced that this negates the need for the provision of an acceptable standard of private outdoor space for all units. Moreover, as I have found harm in relation to internal room standards, a balance between providing good quality internal and external space has not been demonstrated.
12. As part of the revised plans details on access to bathrooms are now shown. Similarly, ceiling heights are also indicated. Based on these details I am satisfied

that adequate room heights and toilet/washroom facilities can be provided within the development and find no harm in these regards.

13. Subject to an appropriately worded condition details for security arrangements for the front entranceway would ensure satisfactory living conditions for future occupiers. The Council have also raised concerns about fumes. However, there is no substantive evidence before me to conclude that future occupiers are likely to be subject to a harmful increase in fumes.
14. Notwithstanding the acceptable matters above, the proposal would result in harm to the living conditions of future occupiers with regard to private outdoor space, noise and disturbance. The proposed development is therefore contrary to Policy 7 of the Havering Local Plan (HLP) and London Plan (LP) Policies D3, D4 and D6. These policies, amongst other matters, aim to ensure a high quality living environment for occupiers of new housing development. For similar reasons the proposal also conflicts with the London Housing Design Guide of 2023.

Vitality and viability of the RMC

15. The appeal site lies within the RMC, fronting a busy stretch of road with a vibrant mix of town centre and commercial uses, some with residential accommodation above. There are also a number of residential properties located nearby. The building is located on a prominent corner plot set back from the road by the footway and frontage parking. During my visit, I observed a high level of vehicular and good level of footfall passing the site.
16. Policy 13 of the HLP seeks to enhance the vitality and vibrancy of town centres to maintain their important role for local communities. It sets out support for proposals within centres, subject to meeting various criteria. Policy E9 of the LP seeks to support a successful, competitive and diverse retail sector in line with the objectives of Policy SD6. Policy SD6 amongst other things, aims to promote and enhance a diverse range of uses to support the vitality and viability of town centres.
17. There is no dispute between the parties that the scheme would see the floor space of the retail unit reduced from 247 sqm to 40 sqm. The Council consider this remaining amount likely to render the space unlettable increasing the number of vacant units in the RMC. It is acknowledged that shopping habits may have and continue to change overtime. Moreover, I note the existing use only operates a small public counter for customers. Nonetheless, the size of the commercial premises as a whole is likely to allow for a wide range of goods to be stored and sold from the premises such that it could be attractive for alternative businesses. The Council have provided no robust retail evidence to support their argument. However, the appellant has also not provided any substantive evidence to demonstrate there is no longer a need/demand for a commercial unit of this size.
18. Even if I was to agree that some reduction in the scale of the retail floorspace would be comparative to other premises nearby I have not been provided with any evidence to demonstrate such units are occupied or there is an increased need/demand for these smaller units. The retail floor space proposed would result in a unit that would be so small that it is likely to exclude many potential occupiers. Additionally, the plans do not indicate welfare facilities for staff,

space for storage of stock, or for ancillary office accommodation. Provision of such facilities could further erode the already limited retail space.

19. No cogent evidence of a future user for the unit is before me, and no marketing exercise has been carried out to demonstrate it would be a viable proposition that would attract tenants. In the absence of such evidence, I conclude that the limited size and functionality of the unit would be a significant deterrent to many potential occupants. While the proposal would retain a retail frontage the prospect of a user being found are limited. There is considerable potential, therefore, for the floorspace to remain unoccupied, to the detriment of the vitality and viability of RMC regardless of the fact the site lies outside of primary and secondary frontages.
20. The appellant has brought my attention to a scheme at No 64. I have been provided with limited details such as the decision notice, officer report and plans such that I do not have all the evidence that led to the decision. However, from the evidence before me the building had been vacant for some time in contrast the appeal scheme building which is in continued use. As such, this example is materially different and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
21. For the reason given above, the significant reduction in the retail floorspace of the building, would result in a unit that would be so restricted in its size and functionality, that it would be likely to remain unoccupied. As a result, there would be a loss of a commercial frontage that would be harmful to the vitality and viability of the RMC. The proposal would, therefore, be contrary to Policy 13 of the HLP and Policies SD6 and E9 of the LP in so far as they seek to protect and enhance the vitality and viability of the RMC.

Housing mix

22. 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.
23. The proposal seeks to provide 4 units in total across 1,2 and 3 bedrooms. This would fail to accord with the housing mix set out in Policy 5 of the HLP and is not disputed by the appellant.
24. The appellant states that Policy 5 is for a boroughwide housing mix and each application is to be judged on its merits. Furthermore, the appellant notes the scheme has been influenced by other development plan policies and greater quantum of family housing would reduce the overall number of units. 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 particularly given the sites accessible location. As such, the proposal would not achieve a satisfactory mix of dwellings contrary to Policy 5 of the HLP.

Parking provision

25. The site is located within a Controlled Parking Zone (CPZ) and has a public transport accessibility level (PTAL) of 6a which is considered to be very good. The proposal would provide no off-street car parking for the residential units.

Given the accessibility of the site, the main parties agree that this is acceptable and I find no reason to disagree.

26. The appellant has submitted a signed and dated unilateral undertaking (UU) to prevent future owners or occupiers of the properties from being entitled to resident parking permits within the CPZ. I am satisfied that the UU achieves what it sets out to do and meets the tests for planning obligations outlined in the Framework. If I had been otherwise minded to allow this appeal, I would have sought feedback from the Council on the completed document.
27. Consequently, I conclude that the proposal would not harm parking provision and would therefore comply with Policy 24 of the HLP.

Other Matters

28. While pre-application discussions are encouraged, I am mindful that they are informal and will not influence any future decision the Council may make once a proposal has been subject to the formal planning process.
29. The Council acknowledges the broad principle of commercial and residential development on the site. It also accepts that no objection in terms of design or harm to neighbouring occupiers has been raised, and support has been received from Romford civic society. I find no reason to disagree. However, these are neutral matters and do not weigh in favour of the proposal.
30. While the appeal scheme was designed by the same architectural practice as the scheme at No 64, it does not lead me to a different conclusion on the harms identified above.

Planning Balance

31. The Framework does not change the statutory status of the development plan as the starting point for decision making. Notwithstanding the acceptability of the scheme with regards to parking provision, the development is not in accordance with the aforementioned policies of the HLP and LP, with the associated conflict reflecting harm to the living conditions of future occupants and the vitality and viability of the RMC. The appeal scheme would also fail to achieve an acceptable housing mix. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
32. The Council cannot demonstrate a five-year housing land supply of deliverable housing sites. Paragraph 11(d)(ii) of the Framework confirms that in circumstances such as these, planning 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.
33. 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 three additional dwellings to the borough's housing supply in a location with good access to services and public transport.
34. There would also be some economic benefits both during construction and from future occupants to the local economy. Landscaping would also offer some

environmental benefits. However, given the number of additional dwellings proposed and scale of the scheme these benefits only attract modest weight in favour of the proposal.

35. Set against the benefits, there would be harm to the vitality and viability of the RMC, the living conditions of future occupants, and an unacceptable housing mix. The Framework requires decisions to provide a high standard of amenity for future users, considering the size and type of housing needed. It also requires decisions to support town centres, ensuring their viability.
36. I have concluded that the proposal would conflict with the above-mentioned Policies of the HLP and LP, which are broadly consistent with the Framework. These matters combined carry significant weight against the scheme.
37. 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.

Conclusion

38. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR