



Appeal Decision

Site visit made on 4 April 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 JUNE 2024

Appeal Ref: APP/B5480/W/23/3331568

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

- 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 Parkhall Estates against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0527.23.
 - The development proposed is works to the first floor, comprising the creation of a galley way and the infilling of the flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on 1) the living conditions of occupants of the residential properties on the second floor of the building with regard to access, and 2) the provision of usable commercial floorspace.

Reasons

Living conditions

4. The appeal site is part of a three-storey property located on the corner of High Street and North Street in Hornchurch Town Centre. It has commercial units on the ground floor, a former snooker hall on the first floor and residential units to the second floor.
5. The evidence suggests, and from my observations on my site visit, that access to the existing second floor residential units is taken from an external staircase to the rear of the building in the courtyard. The proposed plans show that this is to be removed on completion.
6. Although this staircase is proposed to be removed, the appellant outlines how the proposed alterations would provide an alternative means of access that would also offer some protection from adverse weather and result in a more harmonious access to be taken from the street frontage as opposed to the

¹ APP/B5480/W/23/3331558

current rear yard arrangement. The appellant states that alternative means of access would comprise internal works only.

7. Having regard to the submitted floor plans, both existing and proposed first floor, and existing second floor, these would not appear to allow for solely internal works to create a new staircase to the second floor. Even if it were to be the case, it has not been demonstrated either way, and the absence of this, combined with the uncertainty surrounding the provision of an alternative means of access, leads me to conclude that it would not be appropriate to deal with the matter by planning condition. This is particularly the case when the affected occupants may not have been notified of such an alternative access arrangement as part of the planning process.
8. I am therefore unable to conclude that the proposed development would not cause harm to the living conditions of occupants of the residential properties on the second floor of the building with regard to access. The proposed development would therefore be contrary to Policies 7 and 26 of the Havering Local Plan (2021) and Policy D6 of the London Plan (2021) in terms of ensuring high quality design and accessibility for residents and that developments do not adversely impact on amenity.

Provision of usable commercial floorspace

9. The Council state that the proposed works would result in the loss of the ground floor access to the first-floor snooker hall. Although it is evident that the proposed works are in conjunction with a separate permitted development, subject to prior approval, the works subject to this appeal do not include a change of use. Access from the ground floor to the first floor would still be permissible even as a result of the works, albeit it is shown on the plans to be intended to serve the proposed residential units which are subject to a separate application and appeal.
10. The Council refer to the loss of the toilet facility in the snooker hall. I am not aware of any specific planning requirement that either the existing, or as it is disused, facility must have a toilet. Nor am I aware of a policy basis to require such a facility to have a toilet. In addition, such internal works seldom require planning permission and in any event the requirement for the provision of toilets in commercial venues is covered by other legislation. I therefore do not consider this to be a reason to dismiss the appeal and do not consider that it would have a harmful impact in terms of the useability of the commercial floorspace.
11. The proposed development would therefore comply with Policies 16 and 26 of the Havering Local Plan (2021) in terms of social infrastructure provision and ensuring appropriate means of access to the first floor.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR