



Appeal Decision

Site visit made on 22 April 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/B5480/W/23/3320864

20 Wingletye Lane, Hornchurch, Havering RM11 3TA

- 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 Adebayo Fagbenro against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1471.22.
 - The development proposed is described as 'internal alterations to the existing building and its change of use from a dwelling house to an office which will provide an administrative and operational base for staff of an existing organisation. This will also involve a garage conversion'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the supply of housing in the borough;
 - the living conditions of occupants of neighbouring properties, with regard to noise and disturbance; and
 - highway safety, with regard to the provision of parking.

Reasons

Loss of dwelling

3. The appeal site comprises a detached two-storey dwelling within a row of development to one side of Wingletye Lane. The area is predominantly residential in character, with few commercial premises in the immediate surroundings. New City College, a large educational institution, is located close to the site.
4. Policy 3 of the Havering Local Plan 2016-2031 (2021) (HLP) sets out the Council's approach to ensuring an adequate supply of high quality housing in Havering, and seeks to achieve this by resisting the net loss of residential development. The proposal is to change the use of the building to an office related to the appellant's business. The change of use would result in the loss of a four-bedroom dwelling. Consequently, the proposal would conflict with Policy 3 of the HLP.
5. The appellant advises that the property was purchased as a buy-to-let. Despite advertising the property, there has been no success in finding a tenant.

However, no substantive evidence has been presented demonstrating the scope of the marketing carried out, including the length of time that the property had been advertised and the rate at which it was offered.

Furthermore, there is limited information detailing why prospective tenants did not follow up any interest in the dwelling. Moreover, the property has not been offered for sale as a dwelling. Therefore, I cannot be certain that there is no longer a need for a dwelling at the site and there are otherwise no compelling reasons before me indicating that the loss of the dwelling is warranted.

6. I conclude that the proposal would result in an unacceptable loss of a dwelling. The development would therefore conflict with Policy 3 of the HLP, which seeks to resist the net loss of residential development.

Living conditions

7. The proposal would introduce commercial premises within a predominantly residential area in between two residential properties, including No 22 Wingletye Lane (No 22). The office use would result in a significant increase in activity, including comings and goings of people, vehicles and servicing, to the front of the site close to No 22.
8. While the appellant states that there would be four members of staff, the accompanying details indicate that the office could accommodate up to twelve people. The appellant also states that visitors to the site would be by appointment only. Nonetheless, the provision of a reception and waiting area indicates a reasonable number of visitors to the site would be anticipated. Consequently, the comings and goings could be considerable. The proximity of the site to No 22, including the front area where activity would be most apparent could accentuate the disturbance experienced by the occupants of No 22.
9. However, the hours of operation would be limited to 0900 to 1700 Mondays to Fridays, which could be secured by a condition. This would restrict activity at the site to daytime hours, when the busyness of Wingletye Lane would reduce the effect of the noise and disturbance on the living conditions of the occupants of No 22. This may be an improvement in comparison to a fully occupied dwelling, which may generate significantly greater noise and disturbance, particularly in the evening and nighttime.
10. I conclude that the proposal would not harm the living conditions of neighbouring properties. The development would therefore accord with Policies 7 and 34 of the HLP, which collectively seek to protect the amenity of existing and future residents.

Parking

11. The site has a gated access from Wingletye Lane. The road is a busy thoroughfare close to the junction with Upminster Road and the entrance to New City College. On street parking is restricted in the area.
12. There is no dispute that the site can accommodate four car parking spaces. Policy 24 of the HLP states that London Plan (LonP) maximum standards apply. Policy T6.2 of the LonP relates to office parking and applies the maximum standards set out in Table 10.4, which is calculated based on the gross internal area (GIA).

13. The appellant states that the GIA is 145 square metres, and this is not disputed by the Council. Consequently, even when applying the more generous standards in Outer London of one space per 50 square metres a maximum of three spaces may be provided. However, the number of spaces could be controlled through a condition should I be minded to allow this appeal.
14. The proposal does not include details to provide secure and covered cycle storage facilities. However, there is adequate space on site to provide such facilities. The precise details and retention of the cycle storage facilities could be secured by condition should the appeal be allowed.
15. I conclude that the proposal would provide an acceptable level of parking. The development therefore accords with Policy 24 of the HLP, which requires proposals to provide adequate parking in accordance with parking standards.

Other Matters

16. The proposal would provide office space for the appellant's business. While the proposal would support employment that would assist with the care of people in the locality, the evidence presented does not demonstrate that there is a deficit of office space in the area or that the accommodation is essential for the business. Moreover, I have not been directed to any policies that would support the provision of office accommodation in this location. Consequently, the limited benefits of the proposal would not outweigh the significant harm as a result of the loss of a dwelling and to the living conditions of occupants of the neighbouring properties.
17. The appellant is incurring monthly mortgage and Council Tax payments, which result in financial losses due to the unoccupied status of the property. The use of the property as an office would reduce these losses and would lead to additional Business Rates payments. However, this would not outweigh the harm that I have identified.

Conclusion

18. The proposal conflicts with the development plan as a whole. The material considerations identified do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR