



Appeal Decision

Site visit made on 18 July 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/G5750/W/23/3335816

Chambers, 397 Romford Road, London E7 8AB

- 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 T. Chambers & Son Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/01330/FUL.
 - The development proposed is change of use from first floor from residential to office space, and associated alterations to ground level rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from first floor from residential to office space, and associated alterations to ground level rear elevation at Chambers, 397 Romford Road, London E7 8AB in accordance with the terms of the application Ref 23/01330/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 4D-339 E 00 (Block and Location Plans); 4D-339 P 01 (Proposed Drawings Floor Plans); and 4D-339 P 02 (Proposed Drawings Elevations/Section).
 - 2) Within 3 months of the date of this decision, details of the type and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of the date of this decision, or in accordance with a timescale agreed in writing by the Local Planning Authority, a minimum of 2 cycle parking spaces shall have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Preliminary Matters

2. Notwithstanding the details submitted with the planning application, the appellant has confirmed that the proposed use has commenced. This reflects my observations on my visit. I have proceeded to determine this appeal on that basis.
3. The description of development in the heading above has been taken from the planning application form. However, 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. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

4. The main issues are:

- Local and national planning policy on the supply of housing; and
- Other considerations relevant to the planning balance.

Reasons

Housing Supply

5. Policy H4 of the Newham Local Plan 2018 (the Local Plan) states that all housing will be protected unless replaced with at least equivalent floorspace. This is also reflected in Policy H8 of the London Plan 2021 which requires that the loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.
6. The existing building includes a first floor flat that would be lost as part of the proposal. It is not proposed to replace this with a new dwelling on the site or elsewhere. The proposal would therefore be contrary to Policies H4 of the Local Plan and H8 of the London Plan.
7. Due to the negative impact on the supply of housing in the area, the proposal would be contrary to Policies GG4, H8 and H10 of the London Plan; and Policies H1, H4, S1 and S6 of the Local Plan, which together seek to protect existing housing stock. The proposal would also be contrary to the National Planning Policy Framework (the Framework) in respect of delivering a sufficient supply of homes.

Other Considerations

8. The appeal site is part of a larger property which is in use as an established timber merchants, consisting of the building containing the flat as well as associated other buildings, storage, parking and loading/unloading areas. The flat is accessed from the rear of the host building via a gated access which also serves as a vehicular and service access for the timber yard. Residents accessing the flat therefore mix with delivery and service vehicles associated with the timber yard, which is a significant problem in respect of the safety of residents and the operation of the business.
9. The vehicle access gate to the timber yard is lockable and represents a boundary of the secure storage area of the business. Although access to the flat is provided by a smaller inset pedestrian gate, this creates problems of security where residents of the flat can gain access to the storage area. Furthermore, residents may inadvertently leave the pedestrian gate unlocked, which can also lead to significant issues regarding security and insurance cover for the business.
10. The flat has no external amenity space, to the significant detriment of the living conditions of residents. Due to the close-knit relationship with the timber yard, residents of the flat will also be affected by noise and disturbance from the operation of the business. Although I note the Council's reference to other existing residential uses in the vicinity of the business, nevertheless the effect of noise and disturbance on residents adds to my concerns about the quality of the accommodation.

11. The Council contends that problems in relation to the access could be addressed by the provision of a new entrance in the front elevation. However, if the existing entrance is adapted, it is likely that this would lead to a reduction in the amount of space in the ground floor retail area and would also introduce an awkward arrangement where customers of the business and residents would have to use the same access. Residents would also need to access the site across the car park to the front of the building which could lead to an increased risk of collisions between pedestrians and vehicles.
12. Furthermore, the appeal site is within the Woodgrange Estate Conservation Area (CA). The CA is primarily residential in nature and its importance as a designated heritage asset stems from its character arising from late Victorian speculative housing development. The inclusion of the appeal site is relatively unusual, consisting of a projection of the CA boundary to include this particular site, although other extents of Romford Road are included within the CA and are characterised by a mixture of former linked villas (now mostly converted to commercial uses) and places of worship. The appeal building has been altered in a manner commensurate with its commercial use, including the insertion of modern doors and windows. Nevertheless, the attractive built form of the original building is apparent as a good example of the historic development of the area, including the symmetrical appearance of the front elevation. The host building therefore makes a positive contribution to the CA.
13. Given the problems associated with adapting the main front door of the building, it may be possible to create a separate entrance using one of the window openings on the front elevation. However, this would disrupt the symmetrical appearance of the building, with resultant harm to the character and appearance of the building and its contribution to the CA.
14. Based on the evidence before me, it has not been demonstrated that it is possible to provide a replacement dwelling on the appeal site or the appellant's wider landholding due to constraints arising from access and the operation of the business. Similarly, it has not been shown how a replacement dwelling can be provided in a location elsewhere. The Council has not specified a mechanism to ensure that replacement residential floorspace or an equivalent contribution could reasonably be provided.

Conditions

15. I have not imposed a condition in respect of the commencement of development as it had commenced at the time of my visit. I have imposed a condition requiring the development to be carried out in accordance with the approved plans in the interests of certainty. Due to the expansion of employment floorspace, a condition requiring the provision of cycle parking is appropriate in the interests of sustainable transport.
16. The Council has suggested a condition requiring a Construction Management Plan. However, I do not consider that this is reasonable or necessary given the limited scale and nature of the proposed change of use.

Planning Balance and Conclusion

17. Paragraph 47 of the Framework sets out that development proposals should be determined in accordance with the development plan, unless material considerations indicate otherwise.

18. I have concluded that the proposal would result in the loss of existing housing contrary to development plan policies, although the harm to the supply of housing arising from the loss of a single flat would be limited.
19. However, I have also concluded that the access arrangement for the existing flat leads to significant harm to the living conditions of residents in respect of the safety of pedestrian access, and that the flat is also unsatisfactory in terms of external amenity space as well as noise and disturbance. These matters carry significant weight in support of the removal of the existing residential use.
20. The access to the flat also leads to significant security and operational problems for the business, and I attach great weight to this in favour of the removal of the flat and its replacement with office space associated with the existing business. The appellant emphasises development plan policies supportive of businesses, job growth and the efficient use of employment land; including policies J1, J2 and J3 of the Local Plan and Policy E2 of the London Plan. These policies weigh in favour of the proposal which would support the operational needs and expansion of this established business.
21. It has not been demonstrated that an alternative access to the flat can be provided, due to site constraints including the business use on the ground floor, parking and the potential harm to the CA. Similarly, it has not been demonstrated that replacement housing can reasonably be provided within the appellant's landholding or elsewhere.
22. On balance, and due to the very particular circumstances of the site, there are material considerations of such weight that indicate that this appeal should be determined other than in accordance with development plan policies relating to the supply of housing. Due to these site specific circumstances, this should not be seen as a general acceptance of the loss of housing in this area. Notwithstanding the effect on the supply of homes, I conclude that the proposal would represent sustainable development when assessed against the policies of the development plan and Framework when read as a whole, including in respect of building a strong, competitive economy as well as the consideration of safety and amenity for users of property.
23. For the reasons given above the appeal should be allowed.

David Cross

INSPECTOR