

# Appeal Decision

Site visit made on 29 August 2024

**by S Pearce BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 September 2024**

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**Appeal Ref: APP/B5480/W/23/3334749**

**Rear of 60 Crow Lane, Romford RM7 0EP**

- 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 Mr Grygoriv against the decision of the Council of the London Borough of Havering.
  - The application Ref is P0813.23.
  - The development proposed is described as the "conversion of outbuilding into 2 bed apartment."
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended.
3. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and a written ministerial statement titled "Building the homes we need." Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published. Notwithstanding this, the Council have not raised concerns with the principle of the appeal scheme and, as such, it does not form a reason for refusal within the decision notice.
4. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

## Main Issues

5. The main issues are the effect of the proposed development on:
  - the living conditions of future occupiers, with particular regard to noise and disturbance, outlook and provision of private amenity space, and

- highway safety, with regard to parking provision.

## **Reasons**

### *Living conditions*

6. The appeal site is located to the rear of 60 Crow Lane and comprises a single storey outbuilding. The appeal scheme seeks to convert the outbuilding into a single dwelling, which would be served by a courtyard area to its rear.
7. The courtyard area and part of the rear elevation of the outbuilding, which the proposed layout indicates would include window and door openings serving a bedroom and kitchen, lie close to the rear boundary of the appeal site. This boundary adjoins an industrial and commercial area. The business adjacent to the appeal site is known as Romford Coachworks.
8. Limited evidence is before me as to the nature of the use of this neighbouring business. However, it has been highlighted that the business operates between 8am and 5pm and is an office and appointment centre for perspective clients for the repairs business. During my site visit I also observed vehicles parked close to the shared boundary with the appeal site.
9. While the appellant asserts the hours of operation are not excessive, no further details have been provided to confirm what days the business operates. In the absence of substantive evidence to the contrary, this business has the potential to operate 7 days per week, with repairs taking place on site.
10. Therefore, based on the evidence submitted, it is likely that noise would be generated by this neighbouring business throughout the day, up to 7 days a week, including through machinery associated with repairs and the movement of vehicles.
11. Due to the proximity of the appeal scheme and having regard to its proposed layout, the noise associated with this neighbouring use is likely to be audible within the courtyard of the appeal scheme and may well be audible inside the proposed dwelling, particularly when windows are open. This would be likely to cause a nuisance to the future occupiers of the dwelling.
12. It is noted that the appellant asserts that measures, including a noise assessment, could be a condition of any approval. However, the outcome of any such assessment is unknown, as is the extent of any mitigation that it may recommend, assuming that mitigation would be possible. Moreover, should any required mitigation be possible, it is not clear whether this could be achieved without the need to re-configure any approved layout. Consequently, I cannot be certain that such a condition would be reasonable or effective and it would not therefore meet the tests set out in the Framework.
13. The layout of the proposed property shows an open plan kitchen and sitting room. The windows and doors which would serve the kitchen area, face onto the proposed courtyard. Due to the shallow depth of the courtyard, the windows and doors would be close to the rear boundary of the appeal site. However, this room is dual aspect and would offer a good level of outlook for

future occupiers from the windows located in the front elevation of the appeal scheme.

14. The second bedroom has a window which also faces onto the courtyard. Due to the orientation, the window would provide views onto the widest part of this area. Therefore, notwithstanding my conclusions in respect of noise, the proposed layout would provide an acceptable level of outlook for future occupiers.
15. The proposed courtyard would provide an area of private amenity space which complies with the minimum amount stipulated in Policy D6 of the London Plan 2021 (LP) for a two-bedroom, four person property. Therefore, notwithstanding my conclusions in respect of noise, future occupiers would be afforded sufficient private amenity space.
16. For these reasons, I conclude that while the proposed development would not harm the living conditions of future occupiers, with regard to outlook and provision of private amenity space, it would harm the living conditions of future occupiers with regard to noise. This is contrary to Policies 7 and 10 of the Havering Local Plan 2016-2031 Adopted 2021 (HLP). Collectively, these seek, among other things, to ensure development proposals do not adversely impact on the amenity and quality of life of future residents.
17. As I have found no harm in respect of the proposed private amenity space, the appeal scheme accords with LP Policy D6, which seeks to secure appropriate levels of amenity space, and HLP Policy 10, insofar as it seeks to ensure adequate amenity space is provided for new dwellings.
18. The Council have referred to HLP Policy 26 within their reason for refusal. This policy relates to the promotion of high quality design. As this policy does not refer to living conditions of future occupiers, with regard to noise, outlook or provision of private amenity space, it is not relevant to the main issue.

#### *Highway safety*

19. The appeal site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 1a. While the Framework promotes the use of walking and cycling over the use of the private car, nevertheless, HLP Policy 24 sets out, among other things, the required parking standards in areas of the borough that have low public transport access, PTAL 0-1. The supporting text to this policy seeks to ensure development proposals do not add to demand for on-street parking. In this case, a minimum of one off-street parking space is required for a two-bedroom dwelling.
20. The submitted layout plan shows one off-street parking space, located to the front of the proposed property. The space would be accessed via the existing driveway associated with No 60, which provides access from Crow Lane to the rear of No 60. The driveway is narrow and flanked by the side elevation of No 60 and the side boundary of the appeal site.
21. In order to allow a vehicle to safely access the proposed off-street parking space, the Council require a minimum driveway width of 2.5 metres. The submitted evidence indicates that the driveway falls below this width. In the absence of substantive evidence to the contrary, it has not been adequately

demonstrated that the driveway is of sufficient width to allow a vehicle to traverse safely along it.

22. As such, I am not satisfied that one off-street parking space, in the location indicated, could be reasonably accessed and utilised by future occupants of the appeal scheme. Therefore, in the absence of an accessible off-street parking space to serve the proposed property, the appeal scheme is likely to result in a shortfall of an off-street parking space and would thereby generate demand for on-street parking in the locality.
23. While the appellant asserts that the location of the appeal site would encourage people to walk or use public transport, the use of PTAL ratings is the established approach to assessing accessibility, as set out in the LP and HLP Policy 24. The location of the appeal site within PTAL 1a indicates that it has relatively poor access to public transport and would further suggest that future occupiers are likely to be reliant on their car to gain access to local services and for commuting.
24. The appeal scheme is located on Crow Lane, along which there is limited on-street parking provision, due to parking restrictions and resident parking permit requirements. While only a snapshot in time, during a quieter part of the day, during my site visit I observed the demand for on-street parking in the area. Further evening demand would be likely to come from residents returning from work.
25. Therefore, limited evidence has been submitted which demonstrates that there is sufficient capacity to safely accommodate the overspill parking that would result from the appeal development.
26. For these reasons, I conclude that the appeal development would have an unacceptable harmful effect on highway safety, with regard to parking provision. This is contrary to HLP Policy 24, as set above.

### **Planning Balance**

27. Paragraph 11 d) of the Framework states that, where the policies which are most important for determining an application are out-of-date, which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
28. The appellant has highlighted that the Council are unable to demonstrate a Framework compliant supply of housing land. The Council confirm that they can demonstrate 3.4 years supply of deliverable housing sites. In view of this, paragraph 11 d) is engaged. The application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. Consequently, in these circumstances, this means granting permission unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. The proposed development would cause harm to the living conditions of future occupiers and highway safety. As such, it would not accord with the

development plan as a whole. The weight to be given to this conflict is significant, as the policies in respect of these matters broadly reflect the provisions of the Framework.

30. The proposal would make a modest contribution towards the areas housing supply. The Framework supports the development of windfall sites and great weight should be given to the benefits of using suitable sites within existing settlements for homes.
31. The Government's objective is to significantly boost the supply of homes. The Framework recognises that small sites can make an important contribution to meeting the housing requirement. The proposal would lead to some social and economic benefits through the construction of the property and the activities of the future residents of the scheme.
32. The appellant asserts that the site is currently developed and comprises a brownfield site. They further highlight that there is ample room within the appeal site to provide cycle parking facilities, which, they state, would provide an alternative to, and reduce reliance on, the private car. Given the scale of the proposed development, even cumulatively, these benefits attract modest weight.
33. The appellant highlights that the relationship between the appeal proposal and adjoining occupiers and wider area is acceptable, that the appeal proposal is of a high quality design, provides adequately sized rooms and reasonable privacy for future occupiers. An absence of harm in respect of these matters, and in respect of the impact of the proposal on the countryside, landscape and ecology, are neutral matters, that neither weigh for or against the appeal scheme.
34. While there is support for new housing, the benefits in respect of the appeal scheme would be limited, given the scale of development proposed. Therefore, the harm identified in respect of the main issues would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

## **Conclusion**

35. For the above reasons, I conclude that while the appeal scheme makes adequate provision for outdoor amenity space and would provide a suitable level of outlook, the harm I have identified in respect of the living conditions of future occupiers, with regard to noise, and highway safety is determinative. Therefore, the appeal scheme would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*S Pearce*

INSPECTOR