



Appeal Decision

Site visit made on 1 October 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/B5480/W/24/3338914

13 East Close, Havering, Rainham RM13 9AJ

- 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 Stella Uzuka against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1539.23.
 - The development proposed is house conversion to 1 x 3 bed and 1 x 2 bed apartments scheme.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provided appeal form indicates that the appeal relates to application P1539.23, however the provided decision notice related to application P1160.23. The appellant has since confirmed that the appeal relates to application P1539.23 and it is apparent the parties have prepared their evidence on this basis.
3. As the Council has since provided a copy of the decision notice relating to application P1539.23, I have also proceeded on this basis and neither party would be prejudiced by my doing so.

Main Issues

4. The main issues are:
 - whether the proposal would provide suitable living conditions for future occupiers with regard to the standard of accommodation;
 - the effect of the proposal upon the character and appearance of the area, and;
 - the effect of the proposal upon the living conditions of occupiers of nearby properties with particular regard to outlook.

Reasons

5. The appeal property is a semi-detached dwelling located within a cul-de-sac. 14 East Close adjoins the appeal property to the west, while 12 East Close adjoins to the north.

Living conditions of future occupiers

6. The proposal would, following the erection of extensions, be converted to two apartments. The provided drawings indicate that Bedrooms 2 and 3 of the ground floor flat ('Flat 1') would be located directly beneath the kitchen/dining/lounge area of the first floor flat ('Flat 2'). Equally, Bedroom 1 of Flat 2 would be located directly above the kitchen/living/dining area of Flat 1.
7. There is a difference in nature between living spaces and bedrooms, where the former are generally communal spaces used for socialisation, while the latter are primarily places for privacy and sleep. Policy 9 of the Havering Local Plan ('the HLP') states that the living areas of new properties should not abut bedrooms of adjoining properties. The policy does not indicate that this requirement should only apply to houses located next to each other, and I consider that the policy can also reasonably apply to properties which abut vertically.
8. Given the proposed arrangement of rooms in the apartments, it is likely that socialising or movement taking place within the living spaces into the late evening, would have the potential to be audible, as well as disturbing to residents in the neighbouring flat who may be sleeping.
9. As there is no substantive evidence before me in relation to the noise attenuation performance of the proposed layout, I cannot be certain that adequate mitigation of such noise would be secured, and that the proposed arrangement would not lead to harm to the living conditions of future occupiers.
10. Bedroom 2 of Flat 1 would have a single window at the front of the appeal property. Although the rear garden would be sub-divided for the use of each flat, the area of garden available to Flat 2 would only be accessible by means of leaving the property by the front door and walking around the side of the building. A similar journey would also be required to access cycle and bin storage, as well as one of the parking spaces. As a result, any occupiers of Flat 2 wishing to access these areas would be likely to be afforded direct and close proximity views into this bedroom as they passed it. Although views into this bedroom would be likely to be transitional, such instances could be frequent and as a result, intrusive.
11. It is possible that the occupiers of Flat 1 could make use of blinds or curtains in order to increase privacy levels. However, this window would be the only means of providing light and outlook to the bedroom. During summer months when the garden may be in use for longer periods with people passing back and forth, it would be unreasonable to expect the occupiers of Flat 1 to remain in an enclosed room with reduced light or outlook for prolonged periods in order to maintain an acceptable degree of privacy.
12. Policy D6 of the London Plan ('the LP') sets out that a single storey two-bedroomed dwelling should have a Gross Internal Area ('GIA') of 61 square metres (sqm), and that this can include internal partitions, structural elements, flights of stairs and voids above stairs.
13. The provided plans state that Flat 2 would have a GIA of 61.15sqm. The Council has calculated the GIA as being closer to 55sqm, although the basis on which this figure has been reached is not stated.

14. The provided drawings have some, but not all dimensions annotated. In particular, not all of the provided dimensions allow the inclusion of the thicknesses of internal walls within calculations. Nevertheless, by taking the stated floor areas of the Kitchen/Dining/Lounge (16.10sqm), Bedroom 2 (10.28sqm), along with an area calculation of the remaining space using the depth of Bedroom 1 (4.863m) and the stated widths from the wall of Bedroom 1 to the kitchen door combined (6.789m), it is possible to calculate an overall floor area of this apartment, including the cupboard, hallway and staircase, of around 59.4sqm.
15. While this would indicate that Flat 2 would fail to meet the minimum GIA of 61sqm, I am mindful that the calculated figure does not take account of some of the internal walls within the flat, which when taken together would further increase the GIA by a small amount. This would potentially be within a reasonable margin of error to the 61.15sqm GIA stated on the drawings. With no other evidence before me to substantiate the Council's claim that the GIA would be closer to 55sqm, I am minded to accept the appellant's GIA figure on this basis. I therefore conclude that the proposal would be likely to provide adequate living conditions for future occupiers with regard to internal space.
16. However, having regard to all of my reasoning above, I conclude overall that the proposal would fail to provide suitable living conditions for future occupiers with regard to the standard of accommodation. It would be contrary to HLP Policies 7 and 9 and LP Policy D6, which together and among other factors state that developments should provide comfortable and functional layouts, that living areas should not abut bedrooms and that developments should not result in unacceptable noise and disturbance.

Character and appearance

17. The proposal would result in a significant level of extension to the appeal property in the form of single and two-storey extensions. However, as the property is located towards the end of a cul-de-sac it benefits from a large wedge-shape side and rear garden capable of accommodating the level of proposed additional built form. Therefore, while the extension would exceed the depth of 5 metres set out in the Havering Residential Extensions and Alterations Supplementary Planning Document ('the SPD'), it could be accommodated without a sense of overdevelopment.
18. Furthermore, the proposal would be largely screened from public viewpoints when viewed from the street, particularly as the corner location of the plot and set-back design of the two-storey side extension means that these elements would be largely hidden between the appeal property and 12 East Close.
19. There would be more prominent views from the path which runs to the east of the property, between East Close and Martin Drive. However, when viewed from this location, the extension would be seen in the context of the rear elevations of properties, many of which have extensions and alterations of various sizes and design. Accordingly, the proposal would not appear as incongruous or of inappropriate scale.
20. The roof design of the proposal would be complex, involving a number of separate hipped roofs, however this design approach also means that the extensions would have a distinct hierarchy in terms of height, with each

element stepping down in turn. This would result in the extensions retaining subservience to the host dwelling.

21. I conclude that the proposal would not be harmful to the character and appearance of the area. It would be in accordance with HLP Policies 7 and 26, which together and among other factors, state that developments should be of a high quality of design that is informed by, respects and complements the distinctive qualities, identity and character of the site and local area, respects, reinforces and complements the local streetscene, responds to local building forms and patterns of development, and respects established scale and massing.

Living conditions of existing occupiers

22. The appeal property and No 12 already have a close relationship, with the front corners of both houses being located close to each other. However, the arrangement means the gardens of both properties widen towards the rear, and both properties have rear gardens in addition to those at the side.
23. The proposed side extension would be set-back from the front elevation of the appeal property, and although it would directly face the side elevation of that property, separation would be retained. Furthermore, the side extension would be set-down in height from the main part of the property.
24. It is the case that the proposal would be visible from No 12, however, given the level of separation that would be retained, and the otherwise open nature of the surroundings to the side and rear of No 12, I consider that it would not appear as unacceptably overbearing. It would not, therefore, lead to loss of an unacceptable loss of outlook.
25. The proposal would not harm the living conditions of occupiers of neighbouring properties with particular regard to outlook. It would be in accordance with HLP Policies 7 and 26, which, among other factors, state that development proposals should integrate within neighbouring development, and ensure that the amenity and quality of life of existing residents is not adversely impacted.
26. It is also stated that the proposal would be contrary to advice within the SPD, however I have not been directed to any particular text within this document that is relevant to the proposal before me. It has not, therefore, been determinative in my considerations.

Planning Balance and Conclusion

27. The Council has stated that it cannot currently demonstrate a five-year supply of housing sites. I am therefore taken to Paragraph 11 d) ii) of the National Planning Policy Framework ('the Framework'). This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.
28. I have found that the proposal would fail to provide adequate living conditions for future occupiers. It would be contrary to the aims of the Framework which recognise the importance of well-designed places. I ascribe this harm substantial weight.

29. The proposal would represent a modest contribution towards the supply of housing, and being a small site, could be delivered quickly. On this basis, and given the Government's desire to boost the supply of housing set out at Paragraph 60 of the Framework, the contribution that the proposal would make towards the supply of housing in the area would be a moderate benefit.
30. It is also stated that the proposal would meet either M4(3)(2)(a) or M4(3)(2)(b) standards for wheelchair adaptability or accessibility. Given that these are optional requirements, this would be a further, albeit modest benefit of the proposal.
31. The proposal would also be likely to deliver short term economic benefits during construction, as well as longer term benefits on occupation. Given the modest scale of the proposal, these are also minor benefits.
32. It is stated that the proposal would comprise affordable housing. While I acknowledge that the appellant may have been in dialogue with Registered Providers in relation to fulfilling this, and I recognise that the delivery of affordable housing would be a potential benefit of the proposal, there is no mechanism before me which would secure the proposal as affordable housing in line with the definition set out within the Glossary of the Framework. I therefore afford this factor limited weight in my considerations.
33. The appellant has also indicated that landscaping and biodiversity net gain ('BNG') could be secured by means of planning condition, and that BNG would exceed standard requirements. However, as there is no evidence before me in relation to the current biodiversity baseline of the site, or details of a potential scheme of improvements, I also afford this factor limited weight.
34. Taking all factors into account, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits that I have identified. Therefore, the proposal would not benefit from the presumption in favour of sustainable development set out at Paragraph 11 of the Framework.
35. The proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, worthy of sufficient weight such that they would indicate taking a decision other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR