
Appeal Decision

Site visit made on 17 September 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/B5480/W/23/3334858

14A Lower Mardyke Avenue, Havering, Rainham RM13 8PP

- 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 Cloister Properties Plc against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0868.23.
 - The development proposed is change of use from dwelling (C3) to children's care home (C2).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal would provide acceptable living conditions for future occupants in regard to ceiling height within the front bedroom in the loft; and
- the effect of the proposal on the residential character of the area and the living conditions of the occupants of neighbouring properties with regard to noise and disturbance.

Reasons

Living conditions of future occupants

3. Policy D6 of the London Plan 2021 (LonP) sets current minimum standards for internal accommodation for new dwellings and includes new builds, conversions and change of use. This policy states that any area within a room with a ceiling height of less than 1.5m should not be classed as usable space and the minimum internal floor area for a single bedroom should be 7.5sq.m. The proposal is for the use of the building as a children's care home. As the property would be the main residence of the children living there Policy D6 sets a suitable standard for the change of use of a building to provide accommodation of this type.
4. Based on the evidence before me the front loft bedroom would have only approximately 6 sqm of floor area that would have a ceiling height of between 1.5m and 2.3m, the remaining 7.5sq.m of floor area within this room would have a ceiling height of below 1.5m. While this room may have a generous floor area overall, due to the restricted height, more than half would not be classed as usable space under current standards.

5. Therefore, the front bedroom in the loft would fail to provide a sufficient area of usable space for future occupants to carry out day to day activities. It is acknowledged that there are separate licencing requirements that also involve an assessment of the suitability of the standard of accommodation provided for children in care homes. Notwithstanding this, the assessment of this appeal is based current planning standards set by the development plan.
6. It is acknowledged that the front loft room may be in existing use as a bedroom, and this is a material consideration to which I afford significant weight. Notwithstanding this, the current space standards in the London Plan are set to enable a home to become a comfortable place to retreat and there is no substantive evidence before me to justify development below the standards set out.
7. For the reasons detailed above the proposal would fail to provide acceptable living conditions for future occupants in regard to ceiling height within the front bedroom in the loft. Therefore, the proposed change of use would be contrary to Policies 6 and 7 of the Havering Local Plan 2016-2031 Adopted November 2021 (LP) and Policies H12, S1 and S2 of the LonP. These policies seek to ensure that supported accommodation is high quality and a suitable standard for intended occupants. They also require residential development to ensure a high quality living environment for residents in accordance with the requirements of the London Plan.

Living conditions of neighbouring occupants

8. The appeal site is located within a medium density residential area, comprising of a mix of property types. The front garden area of most properties has been altered to create private off street parking areas. The appeal property, 14A Lower Mardyke Avenue, is a two storey end of terrace dwelling that has been extended to the rear and at roof level. The property is currently in use as a six bedroom large family home and there are two off-street parking spaces in the front garden.
9. The proposed change of the use would allow for up to five children to be cared for in the home. My understanding is that there would normally be one member of staff on site at any one time. Notwithstanding this, there would be more staff members present on site during changeover times or when others visit. However, it is likely that changeover times would be short in duration and unlikely to cause any significant noise and disturbance.
10. There would be comings and goings associated with the children attending school, after school activities and leisure activities on a weekend and during the holidays, along with occasional visits from social care professionals, family members and friends. However, the six-bedroomed dwelling house might reasonably accommodate two adults and five children, including a number with cars. Comings and goings associated with a large family dwelling would itself have the potential to generate considerable levels of activity and associated noise and disturbance including residents using the garden, arriving to and from work or school, and from visitors to the property.
11. In the area there is a close relationship between the dwellings and their occupants by reason of the building density, and their layout, fronting on to Lower Mardyke Avenue. However, vehicle movements would not be uncommon in the area owing to the housing density and inevitable variation in

work patterns and social activities of neighbouring occupiers. Given the limited traffic movements anticipated, and that there would only be a small number of staff, I find that the comings and goings, along with any potential additional visitors, would not be disproportionately large or significantly greater than those associated with a family in a property of this size.

12. I recognise that the home may be occupied by children with complex needs. However, such children can and do live in traditional family dwellings in residential areas. Whilst neighbouring properties are in close proximity, with the appeal property sharing a party wall with 14 Lower Mardyke Avenue, the development is small scale, and anti-social behaviour such as doors banging, shouting and swearing, whilst unpleasant, could be experienced by neighbours in any residential area.
13. There is no substantive evidence before me to demonstrate that there would be insufficient community services and facilities to meet the needs of the children living at the property. Moreover, I note that other legislation would also put controls in place to ensure the home is suitably managed and meets the needs of occupants in this regard.
14. For the reasons above, I conclude that the proposal would not harm the residential character of the area and the living conditions of the occupants of neighbouring properties with regard to noise and disturbance. The proposal would therefore not conflict with Policies 6, 7 and 34 of the LP and Policies H12, S1 and S2 of the LonP. These policies prioritise the provision of social infrastructure and are consistent with the Framework in seeking to ensure that the proposed use of the building for specialist accommodation does not have an unacceptable impact on the surrounding area and would not give rise to significantly unacceptable greater levels of noise and disturbance to occupiers of neighbouring properties.

Other Matters

15. My attention has been drawn to a recent approval for the change of use of Little Maple House to a children's care home. Based on the evidence before me this property was a detached house in multiple occupation (HMO) and the change of use allowed for the provision of accommodation for up to four children. The appeal property is a dwellinghouse, located on the end of a terrace and would provide accommodation for five children. Further no plans have been provided to clearly show the internal layout of the building. As such, I am not satisfied that the change of use of Little Maple House forms a direct comparison to the appeal before me.
16. The Council raised no concerns regarding parking provision in relation to the proposal. Given the proposed level of use I see no reason to disagree with the Council on this matter. However, an absence of harm in this regard is a neutral factor weighing neither for nor against my assessment.

Conclusion

17. The proposal would provide a children's care home, where there is an identified need.
18. I have found that the change of use would not harm the residential character of the area or the living conditions of neighbouring occupants. An absence of harm in this regard is a neutral factor weighing neither for nor against the

development. However, I found that the proposal would fail to provide acceptable living conditions for future occupants. The adverse effect in this respect is considerable and outweighs the benefit detailed above.

19. The proposal would conflict with the development plan. This conflict is not outweighed by other considerations. Therefore, the appeal is dismissed.

C Livingstone

INSPECTOR

