



Appeal Decision

Site visit made on 6 November 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/B5480/W/24/3342564

13 Devonshire Road, Hornchurch, Havering RM12 4LG

- 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 C Ward of Care Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1776.23.
 - The development proposed is change of use from C3(A) single dwelling house to C2 (care of up to four children aged between 8 and 18).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3(A) single dwelling house to C2 (care of up to four children aged between 8 and 18) at 13 Devonshire Road, Hornchurch, Havering RM12 4LG in accordance with the terms of the application, Ref P1776.23, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of nearby occupiers, the quality of accommodation for future occupiers and highway safety.

Reasons

Living Conditions - existing

3. The existing property is a large 7 bedroom dwelling. This could be occupied by a large family which could be multigenerational, or up to six people living together as a single household.
4. The development proposed would be for up to 4 children aged between 8-18 who would occupy the dwelling as their main residence. The property would not offer short term placements. There would be carers on site at all times including overnight, up to a maximum of 4. Albeit the expected average occupancy is 2 children and 2 carers. Additionally, the children would have visits from friends, family and professionals such as nurses or social workers, although the appellant states that in practice these would be infrequent. Details as to the nature of the use and the number of occupants could be secured by condition to ensure that the site operates in the manner described.
5. The noise associated with four occupant children and four adult carers on the site, including within the garden, would not be significantly greater than that which would be expected from a family occupying this large property. Whilst

there would be comings and goings associated with care staff and visitors, even with the maximum of four carers on the site, these would not be so extensive as to harm the residential character of the area. Furthermore, a condition with a detailed management plan which could specify measures to control noise and disturbance with contacts to report any issues could be attached. As such the proposed development would result in effects similar to the existing use and consequently would not result in harm to the living conditions of existing residents.

6. Therefore, the proposed development would have an acceptable effect on the living conditions of nearby occupiers. As such, it would be in accordance with policies 6, 7 and 34 of the Havering Local Plan 2016-2031 (2021) (Local Plan) which requires that development and specialist accommodation should not have unacceptable adverse impacts on the surrounding area and amenity or quality of life of existing residents including noise and disturbance amongst other things.
7. Policy 24 of the Local Plan and policies H12, S1, S2, and T6 of the London Plan (2021) (London Plan) do not include criteria relating to existing living conditions, as such the policies set out above are more relevant to this main issue.

Living conditions – proposed

8. The evidence does not show that the loft room would achieve a suitable floor to ceiling height across an area of the floorspace so that this room could be used as an acceptable main bedroom. However, information submitted with this appeal indicates that without the use of this room, suitable living accommodation could be provided within this property for future occupiers through the use of one of the first floor rooms as a bedroom. This would result in a reconfiguration of the uses of the rooms which would be a minor change to the development as a whole. As such it would be reasonable to require that details of the use of these rooms could be submitted via condition.
9. Therefore, the proposed development would provide an acceptable standard of accommodation for future occupiers. As such it would be in accordance with Policies 6 and 7 of the Local Plan and Policies H12, S1 and S2 of the London Plan. Together, in part, these support the provision of high quality social infrastructure and health and social care facilities and require that the development provides a high quality living environment for residents including floor to ceiling heights and the standard of facilities, and that it satisfies the requirements of the group it is intended for.

Highway Safety

10. Together, Policies 6 and 24 of the Local Plan require that development including specialist accommodation meets parking requirements and makes adequate provision for visitor and carer parking and would not have an unacceptable impact on parking conditions. Policy T6 of the London Plan states that car free development should be the starting point in places that are well connected by public transport.
11. The off street parking area outside the house is limited. If multiple cars were parked, cars parked parallel to the road may not be able to enter or leave without other cars moving. Parking across the dropped kerb would also cause

an obstruction and would be unacceptable. Furthermore, if two cars were to park horizontally, considering the location of boundary walls and given the tight space available it may be difficult for drivers or passengers to open doors. Whilst I understand that this space is being used for parking currently, it is unlikely that visitors would choose to park three vehicles on this forecourt.

12. Devonshire Road is not in a controlled parking zone and has on street parking in the vicinity of the appeal site. Whilst the Council's highways consultant requests a parking stress survey, there is no persuasive evidence before me to indicate that this area has high levels of parking stress.
13. The occupancy of the building would be likely to result in a maximum of four adults on the site on a regular basis. Cycle parking would be provided and the property is close to public transport stops including bus and underground and there is no evidence to suggest that the property has low public transport access. Therefore, alternative modes of transport are available to any visitors.
14. As such, on the basis of the evidence before me, the likely low levels of car parking that would be generated as a result of the proposed development could be accommodated on street in this area. This would be safe, would not increase pedestrian-vehicle conflict nor cause traffic congestion in the area.
15. Therefore, the proposed development would have an acceptable effect on highway safety. As such it would not be contrary to Policy 6 and 24 of the Local Plan, or policy T6 of the London Plan, the aims of which are set out above.

Conditions

16. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
17. The standard implementation condition is attached and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition is attached requiring detail of the use of each of the rooms, in order to ensure an acceptable standard of living conditions for future occupiers for the reasons set out above. Conditions requiring a management plan, specifying the number of occupants, restricting the use to residential care and accommodation and preventing overnight or emergency placements are needed in order that the scheme operates in the manner it was applied for, and in the interests of the living conditions of existing occupiers for the reasons set out above.
18. Detailed submissions set out that crime and disorder are a major issue in this area and provide specific advice as to measures that would be relevant to the particular use proposed. On this basis it would be reasonable and necessary for the proposed development to provide detail and certification of secure by design standards in order to achieve safe places. However, it is for the LPA to determine consultees when these details are submitted and therefore such specifications have been removed from the wording. Trigger points have also been amended so as not to unnecessarily delay the delivery of the development.

Conclusion

19. For the reasons given above the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with drawing nos DRH 03, DRH 01A, DRH-02
- 3) Notwithstanding condition 2, prior to the occupation of the development hereby permitted, details of the uses of each of the rooms shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the development hereby permitted a detailed management plan for the premises shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of how the premises will be run to control noise, disturbance and ASB; how reports of any ASB can be made; details on notification to neighbours of contact numbers, should they wish to report concerns and complaints procedure including minimum response timescales. The premises shall be operated in accordance with the approved management plan.
- 5) Prior to the occupation of the development hereby permitted a full and detailed application for the Secured by Design award scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how Secured by Design Certification will be achieved for this scheme.
- 6) Prior to the occupation of the development hereby permitted a Certificate of Compliance to the relevant Secure by Design Guide shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.
- 7) The premises shall be used for the purposes of residential care and accommodation and for no other purpose (including any purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 8) The premises shall accommodate not more than four young persons (up to the age of 18 years old) receiving care at any given time.
- 9) The premises shall not be used for emergency or overnight placements.