



Appeal Decision

Site visit made on 12 November 2024

by M Cryan BA (Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 DECEMBER 2024

Appeal Ref: APP/B5480/W/24/3342336

34 Douglas Road, Hornchurch RM11 1AR

- 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 Zahid Bhatti of UKCAB against the decision of the Council of the London Borough of Havering.
- The application reference is P1700.23.
- The development proposed is the erection of rear ground floor and first floor extension and front and rear loft dormer and change of use to six self-contained flats.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development used in the banner heading above is taken from the planning application form. A different wording was used on the appeal form, though without it affecting the overall nature of the scheme. The appellant's statement described the proposal as being for the "retention of change of use from single dwelling house (Use Class C3) to 6 no. self-contained flats (Use Class C3) for people with learning disability". Nothing I saw during my site visit suggested that the development had already taken place – certainly none of the external works for which permission is sought had been carried out – and there is nothing before me such as a planning obligation which might limit occupation of the proposed flats to residents with some form of care needs. I have therefore treated the proposal as being for open market housing, as set out in the original description.
3. The appellant's statement also made repeated references to "the AONB". The appeal site is not within, nor especially close to, any Area of Outstanding Natural Beauty. I have treated those particular comments as having been made in error and disregarded them, though this has not had any significant bearing on the outcome of the appeal.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the adequacy of living and amenity space, outlook, and access to and provision of communal space;

- The effect of the proposed development on neighbours' living conditions, with particular regard to whether it would be overbearing or create an unacceptable sense of enclosure, would lead to unacceptable overlooking, or would cause unacceptable noise disturbance as a result of comings and goings;
- Whether the proposed development would include adequate provision of family housing; and
- Whether the proposed development would make adequate provision in respect of car parking for future occupiers.

Reasons

Character and appearance

5. The appeal property is a two-storey semi-detached house, in a predominantly residential area. The submitted drawings show it to have a through living and dining room, a kitchen, and a bathroom on the ground floor, three bedrooms (one with ensuite) and a bathroom on the first floor, and a fourth bedroom within the roof space at loft level. The proposed development is the division of the property to form six self-contained flats; there would be two (with a kitchen, bedroom, and bathroom or ensuite) on each of the three levels. This would entail the construction of extensions to the ground and first floors, and the erection of front and rear dormers, to provide additional living space.
6. The proposed development would result in the conversion of the existing hipped roof to a gabled roof. No 36, the appeal property's "twin" retains its original hipped roof form, so the alteration would unbalance the pair and destroy the symmetry in their roof form which at present makes a positive contribution to the streetscene. Some hip-to-gable conversions have been carried out elsewhere on Douglas Road, presumably using permitted development rights, but where such works can be controlled and would undermine a characteristic of the house or street (as would be the case here), the Council's 2011 *Residential Extensions and Alterations* Supplementary Planning Document ("the SPD") is clear that conversions will not be considered acceptable.
7. A flat-roofed dormer would occupy almost the entire front roof slope; it would be a dominant and intrusive feature which would overwhelm the appeal property and further unbalance the semi-detached pair. I saw a very small number of other front dormers on Douglas Road, though there is one at No 38 two doors along from the appeal property. None of the other examples could be said to be a particularly sensitive or enhancing addition to their host building, but also none is as large or as harmful as would be the case here.
8. The rear extension would, effectively, be a three-storey addition to the property. The ground floor part would step back with a pitched roof, but the first-floor part would have a flat roof. The rear dormer would not only occupy nearly the whole of the rear roof slope, but also extend over almost the entirety of the flat-roofed first floor. It would be an even more insensitive, dominating and unattractive addition than the front dormer.
9. Taking all of this together, the alterations would be detrimental to the appeal property and would cause significant harm to the character and appearance of the area. The development would conflict with Policy 26 of the 2021 Havering

Local Plan ("the HLP") which, among other things, seeks to ensure that development proposals respect and complement the distinctive qualities of the local area, are of a high architectural quality and design, and respond to local building forms and patterns of development (including with regard to scale, massing and rhythm of buildings).

Living conditions – future occupiers

10. Space standards for residential development are applied by Policy 7 of the HLP and Policy D6 of the 2021 London Plan. These reflect the Nationally Described Space Standard¹, which sets a minimum gross internal floor area requirement for one-bedroom units of 37m² or 39m² for a one-person dwelling (the smaller figure where there is a shower room rather than a bathroom), and 50m² for a two-person dwelling. By the Council's calculations, which have not been disputed by the appellant, the flats would range in size from 18m² to 34m². All six would therefore fall short of complying with the space standard, some by a considerable margin.
11. The internal layouts of some of the flats shown on the submitted drawings also raise questions about the suitability of the living spaces. The four first- and second-floor flats are shown with open-plan layouts, though given their small overall size there must be considerable doubt whether the areas shown as "kitchens" would actually be large enough to perform that role. New windows on the north-facing side elevation would be close to the flank wall of No 32, and would offer a limited outlook from the ground- and first-floor rooms they would serve. The "kitchen" areas (though again, they might ultimately be used for other purposes) of the two top-floor flats are shown without any windows or rooflights, so would be very dark and gloomy places.
12. Policy D6 of the London Plan 2021 requires the provision of a minimum of 5m² of private outdoor space for each dwelling; none of the flats would have any. The existing rear garden would serve as communal amenity space, but to get there occupants of flats other than that at the rear of the ground floor (which would have separate access via a side door) would have to leave the main front entrance then walk around the building. The space would not be conveniently located for, or easily accessed by, most future occupiers.
13. For these various reasons, the development would provide unacceptable living conditions for future occupiers. The proposal therefore conflicts with Policy 7 of the HLP, and with Policy D6 of the London Plan 2021; as well as applying the space standards set out in paragraph 10 above, these policies seek to ensure that development provides a high-quality living environment for residents.

Living conditions – neighbours

14. Including an existing extension which would be enlarged, the ground floor extension would project around 6m beyond the main rear elevation of the semi-detached pair. This would not comply with advice in the SPD that rear extensions more than 4m long (on semi-detached dwellings) should be stepped back from the shared boundary so as not to cause harm to neighbours' living conditions. Although the first-floor extension would comply with the SPD's advice in this respect, when the overall size and scale of the proposed rear extension as a whole (including the bulky and intrusive dormer,

¹ *Technical housing standards – nationally described space standard*, Department for Communities and Local Government 2015

as I have described in paragraph 8 above) is taken into account I consider that it would be overbearing and oppressive when seen from either the habitable rooms or the garden space at the rear of No 36.

15. The conversion of the appeal property into six self-contained flats would be likely to lead to an increase in occupiers carrying out activities independently of one another. These activities – such as the comings and goings of the future occupants and any visitors, as well as regular tasks such as the putting out and taking in of bins – would take place in very close proximity to the neighbours on either side. Some noise and similar disturbance is inevitable in an urban area, and should therefore normally be anticipated by neighbours. However, the conversion to six flats and associated intensification in the use of what in its current form is a modestly sized single dwellinghouse would be likely to lead to the frequency and level of such disturbances exceeding that which neighbours might reasonably expect.
16. The Council considered that overlooking of neighbouring properties which might arise from windows at first floor and loft levels would be no more harmful than this which might typically be expected in the locality. While I have had regard to comments made by interested parties, none of the evidence put before me on this point leads me to disagree with the Council's view.
17. Nevertheless, the proposed development would be overbearing, harmful to outlook, and likely to lead to an unacceptable increase in noise and similar disturbance. It would cause unacceptable harm to neighbours' living conditions, and so would conflict with Policies 7, 26 and 34 of the HLP. Together, and among other things, these policies seek to ensure that residential development does not have an adverse impact on the quality of life for existing residents, including in relation to noise and other disturbance.

Family housing

18. The submitted drawings show that the appeal property is currently laid out as a four-bedroom dwellinghouse and is therefore suitable for occupation as a single family dwelling. Policy 5 of the HLP seeks to ensure that all housing schemes include a proportion of family-sized homes. Policy 9 allows for the subdivision of existing residential properties only where a family unit with three or more bedrooms is provided, ideally on the ground floor and with direct access to private, good quality, usable amenity space. No such unit is proposed in this case, and the stock of housing suitable for families would be reduced. While the appellant rightly identifies the need for the housing to be provided to meet the varying needs in the borough, no convincing justification for failing to retain, or provide, a family unit has been put forward.
19. The proposed development would not include adequate provision of family housing. It would therefore conflict with Policies 5 and 9 of the HLP, the principal relevant provisions of which are set out in the preceding paragraph.
20. The Council's decision notice also referred to conflict with Policy 3 of the HLP, in particular its aim that there should be no net loss of residential development. Although the appeal scheme would lead to the loss of a family housing unit, there would be no net loss of housing. I therefore find no conflict with that policy, though that does not alter my overall conclusion on this issue.

Car parking

21. The appeal site has a Public Transport Accessibility Levels ("PTAL") of 2, which the Council describes as representing poor accessibility. Policy 24 of the HLP applies the maximum parking standards set out in the London Plan 2021; this is 0.75 spaces per dwelling, meaning a maximum of 4.5 spaces for the appeal scheme. The site is within a Controlled Parking Zone ("CPZ"), and the Council indicates that it considers the area to be one with some parking stress; no further evidence of the extent of that stress were provided, but neither was the suggestion challenged by the appellant. Policy 24 also states that planning conditions and legal agreements – and in my experience the latter of these is usually preferable – may be used to restrict eligibility for on-street residential parking permits.
22. The submitted Design and Access Statement stated that on-site parking to be provided on the front forecourt "will accommodate approximately three to four vehicles". That is, frankly, a ludicrous assertion; at the time of my site visit the similarly sized forecourt in front of the adjoining No 30 was almost completely filled by the single Ford Focus (not an especially large car) which was parked there. Any attempt to park more than one car on the forecourt would inevitably result in the footway being obstructed, which would not be acceptable.
23. A single parking space is therefore the most that could realistically be provided on the site, though even this would potentially lead to conflict with vehicles in the marked parking bays in front of the property. As the development plan sets a maximum parking standard, the low provision need not in itself be unacceptable. However, given the site's poor public transport accessibility it is likely that many of the (at least) six adult residents of the property would wish to own a car, and the overspill parking demand would be directed onto the surrounding streets. There is no mechanism before me which would prevent occupiers from obtaining car parking permits for the CPZ. The proposed development would be likely to add to parking stress in the area, with a corresponding risk of harming highway safety for pedestrians, cyclists and drivers.
24. The development would not therefore make adequate provision in respect of car parking. It would conflict with Policies 9, 23 and 24 of the HLP; together, and among other things, these policies seek to ensure that development (including residential conversions and subdivisions) is accessible by a range of transport options, and that the location and layout of parking is considered as an integral part of the design process.

Planning Balance and Conclusion

25. I have found that the proposed development would be harmful to the character and appearance of the area. It would not provide acceptable living conditions for future occupiers and would have an adverse effect on neighbours' living conditions. It would not make adequate provision of family housing, or in respect of car parking, It would therefore conflict with the development plan as a whole.
26. Paragraph 11 d) and Footnote 8 of the Framework state that, where the policies which are most important for determining the application are out-of-date (including where the Local Planning Authority cannot demonstrate a five year supply of housing land, or where the Housing Delivery Test ("HDT")

indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Council has stated that, notwithstanding the relative recent date of the HLP being adopted, it cannot demonstrate a five year supply of deliverable housing sites, and that its most recent HDT result was 55%; it acknowledges that this “tilted balance” is therefore engaged.

27. The Framework seeks to significantly boost the supply of housing. The proposed development would provide six self-contained flats, although this would come at the cost of the loss of a dwellinghouse suitable for occupation by a family. The development would be unlikely to provide accommodation for many more individual people than at present. The social and economic benefits arising from the scheme, such as they may be, would therefore be extremely limited.
28. The significant harm which the proposed development would cause to the character and appearance of the area, the failure to provide acceptable living conditions for future occupiers, and the adverse impact on neighbours’ living conditions, means that it would not contribute to achieving well-designed places as sought by the Framework. There would be particular conflict with the provisions of Paragraph 135 which, among other things, seek to ensure that development will function well and add to the overall quality of the area, is visually attractive as a result of good architecture, sympathetic to local character, establishes or maintains a strong sense of place, and creates places which offer a high standard of amenity for existing and future users.
29. The failure to provide family housing means that the scheme would not provide an appropriate mix of housing types for the local community, as sought by Paragraph 60 of the Framework. The shortcomings in respect of parking provision, and the consequent risk of conflict between pedestrians, cyclists and vehicles, means that the proposal would not comply with the provisions of the Framework which seek to promote sustainable transport.
30. The harm which would arise from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not therefore amount to sustainable development in the terms set out in the Framework.
31. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development conflicts with the development plan, taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector