



Appeal Decision

Site visit made on 28 March 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/B5480/W/24/3355796

6 Pettley Gardens, Romford RM7 9AB

- 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 Shumail Mahmood against the decision of the Council of the London Borough of Havering.
 - The application reference is P1230.24.
 - The development proposed is the change of use from a dwelling (C3 Use) to a children's care home (C2 Use).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from a dwelling (C3 Use) to a children's care home (C2 Use) at 6 Pettley Gardens, Romford RM7 9AB in accordance with the terms of the application Ref P1230.24 subject to the conditions set out in the schedule to this decision.

Procedural matter

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published with an amendment issued on 7 February 2025. The Framework 2024, as amended, does not raise any new matters that are determinative to the outcome of this appeal.

Main Issues

3. The main issues are firstly whether the proposal would provide satisfactory living conditions for future occupiers with regard to living accommodation; secondly, the effect of the proposal on the living conditions of the occupiers of nearby properties with reference to potential noise and general disturbance; and thirdly, whether the proposal makes adequate provision for vehicle parking.

Reasons

Living conditions of future occupiers

4. The proposal is to change the use of the appeal property, which is a mid-terrace dwelling on a predominantly residential street, to a children's care home. The Council assessed the proposal on the basis that the new care home would accommodate up to 3 children with special needs, between the ages of 11 and 17.
5. From what I saw, space within the smallest of the 3 bedrooms within the proposed care home would be modest with limited space for clothes storage, a desk or for circulation beyond a single bed. As a result, this bedroom would feel unacceptably

cramped to future occupiers. I appreciate that a small bedroom might encourage future residents to use the communal areas within the building and its back garden and so interact with others. Nevertheless, the benefits of doing so would not outweigh the undue sense of confinement felt within the smallest bedroom, within which occupiers would be expected to spend a reasonable amount of time.

6. It may be that other care homes operate with similar room sizes to those proposed and I note that national standards for care home accommodation do not prescribe minimum room sizes for children's bedrooms. However, these considerations are insufficient reason to justify providing a bedroom that would simply be too small for a child beyond the age of 11, as proposed.
7. If the total number of children within the new care home were reduced to 2, the smallest bedroom would no longer be required to be used for this purpose. On that basis, the concern that I have identified would be resolved. To my mind, such a restriction could be covered by a condition. Both main parties have indicated that such an approach would be acceptable. The Council raises no other concern in relation to the living accommodation to be provided in the new care home. From my inspection of the plans, I, too, find the proposal acceptable in this regard.
8. With a suitable condition in place, I therefore conclude on the first main issue that the proposal would provide satisfactory living conditions for future occupiers. Accordingly, the proposal does not conflict with Policy 6 of the Havering Local Plan 2016-2031 (LP). This policy aims to ensure that housing to meet specialist needs is, amongst other things, suitable for the intended occupiers particularly in terms of the standard of facilities and the level of independence.

Living conditions of existing occupiers

9. According to the appellant, there would be no more than 4 members of staff on duty at any one time providing 24-hour care provision and working to a 12-hour shift pattern. Additional visits to the new care home could also take place by family members, friends, social workers and possibly, on occasion, emergency services.
10. If that were the case, it is possible that compared to the occupiers of No 6 as a single dwelling there would be some additional activity associated with the new use, such as coming and goings of people and extra vehicle movements. Given the likely shift patterns and changeover pattern of staff, the movements of people and vehicles could take place in the evening or in the morning, when the occupiers of nearby properties are likely to be home.
11. Even so, some noise and general activity resulting from vehicle movements would be a common feature on residential streets such as Pettley Gardens. Given the inevitable variation in work patterns, which could also involve shifts, and the social activities of neighbouring occupiers, it is likely that most residents would be generally aware of the comings and goings of their neighbours. In that context, and given the limited staff numbers and likely visitors, the anticipated movements of people and vehicles would not be significantly greater than could reasonably be expected of a family at this location carrying out their typical day-to-day activities.
12. Furthermore, there would be nothing inherently commercial or significantly out of the ordinary in the nature or type of the movements to and from the site. From my inspection of the plans, the proposal would not represent an overly intense use of the building. For these reasons, I am not convinced that the potential noise and

general disturbance experienced by nearby residents would be significantly greater than might be expected from a family home or that the proposal would be at odds with its predominantly residential setting.

13. On the second main issue, I conclude that the proposed development would not harm the living conditions of the occupiers of nearby properties. Therefore, the proposal does not conflict with LP Policies 6, 7, 16 and 34, Policies H12, S1 and S2 of The London Plan (TLP) or the Framework 2024 insofar as they aim to safeguard residential amenity.

Vehicle parking

14. The Council raises concern that there is insufficient evidence to demonstrate that the 2 off-road parking spaces to be provided at the front of the site would be adequate to serve the new care home. Reference is also made to the location of the site within an area with a relatively low Public Transport Access Level rating. Nevertheless, the site is still within convenient walking distance of a bus stopping place on St Edwards Way and Romford Town Centre. Secure cycle storage would also be provided for future occupiers. As such, not all visits to the new care home would necessarily be reliant on the private car.
15. If no parking space were available on-site, for instance at staff handovers, drivers would be likely to drop off or park along Pettley Gardens close to the site. That situation may arise even though there are restrictions on on-street parking along this and other nearby streets, which are designed to meet the demand from residents with permits between 8am to 8pm, Monday to Saturday. However, I saw no examples of such behaviour notwithstanding the fact that on-street parking appeared to be well used, nor have any examples of such problems been brought to my attention. Even if the new use does increase the demand for on street parking outside the restricted parking times, there is no specific evidence before me that there would be insufficient capacity to accommodate this demand. Therefore, I am unable to share the opinion of the Council that on-street parking, if it were to occur, would necessarily cause congestion or aggravate local parking problems.
16. On the third main issue, I conclude that the proposed development makes adequate provision for off-street vehicle parking. Consequently, it does not conflict with LP Policies 6, 16 and 24, TLP Policy T6 or the Framework 2024. These policies aim to ensure that development makes adequate parking provision for all users and provides safe and suitable access.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plan in the interests of certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require details of the arrangements to store cycles and refuse. To reduce the risk of crime, a pre-commencement condition is also attached to ensure that the development meets the requirements of Secured by Design. The appellant has confirmed that such a condition is acceptable.
18. My assessment of the proposal reflects the development as it put forward in the evidence. A different number of children within the care home or another use within Class C2 could have different consequences for existing and future occupiers and/or the local area. Therefore, a condition to restrict the use to a

children's care home within Use Class C2 for up to 2 children is necessary. A condition to require the installation of a charging unit for an electric vehicle is required to promote sustainable travel.

19. These conditions reflect those suggested by the Council with amendments, where necessary, mainly for precision and clarity. Given my findings in relation to the second main issue, a condition that requires a noise management plan, as suggested by the Council, is not necessary to make the development acceptable. It has not, therefore, been imposed.

Conclusion

20. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Ref TRD-222407-A1/01.
- 3) The premises shall be used for a children's care home for a maximum of two children between 11 and 17 years of age and for no other purpose (including any other 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).
- 4) The development hereby permitted shall not be occupied until storage facilities for cycles and refuse have been provided in accordance with schemes that have previously been submitted to and approved in writing by the local planning authority. The approved storage facilities for cycles and refuse shall be permanently retained thereafter.
- 5) The development hereby permitted shall not be occupied until charging facilities for an electric or ultra-low emission vehicle have been provided in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved charging facilities shall be permanently retained thereafter.
- 6) Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development to demonstrate how Secured by Design accreditation will be achieved shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied until the local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.