
Appeal Decision

Site visit made on 27 February 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 April 2025

Appeal Ref: APP/B5480/W/24/3349140

1A The Green, Wennington, Rainham, Havering RM13 9DX

- 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 Andrew Turner against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1464.23.
 - The development proposed is conversion of two storey side extension (annex) to a self-contained unit for residential use (Change Use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence before me confirms that the proposed change of use has already taken place, and the property is currently occupied as an independent dwelling. The submitted plans, against which the Council determined the application, align with what I observed during my site visit. I have therefore assessed the proposal based on these details.
3. An update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to comment on the effect of the updated Framework for the appeal, and I have had regard to any comments received in my decision.

Main Issue

4. The main issue is whether the development delivers suitable living conditions for occupiers, with specific regard to internal space standards.

Reasons

5. Policy D6 of The London Plan, March 2021 (the LP2021) requires all housing developments to meet minimum internal space standards. These standards apply to all tenures and all residential accommodation that is self-contained. Policy D6 makes clear that the standards apply to all new dwellings, including new build, conversions and changes of use. Accordingly, despite the development having already taken place, and notwithstanding the appellant's assertion that it has been occupied in its current form for a considerable period, the internal space standards set out in Policy D6 are applicable to the proposal before me.
6. The unit spans two floors and contains one bedroom on the first floor. The appellant states that the unit's internal floorspace measures 46.6 square metres.

For a 2-storey, 1-bedroom, 2-person dwelling, Policy D6 requires a minimum gross internal floor area of 58 square metres. This development falls significantly short of that requirement.

7. Policy D6 does not define a minimum floorspace requirement for 2-storey, 1-bedroom, 1-person dwellings. The appellant contends that this is because it is an unusual dwelling typology. Given that the unit is currently occupied by a single person, the appellant argues it should be assessed under the standard for a 1-bedroom, 1-person dwelling. However, Policy D6 clearly notes that the standard for 1-person dwellings applies only to single-storey units. Despite this, based on the current occupancy, the appellant contends that the proposal is not unacceptable per se.
8. The appellant further submits that a previous application at the site was not refused on the grounds of insufficient floorspace. Whilst the development plan has since been updated, the appellant suggests that the policies applied to the earlier application are substantially similar to those currently in force.
9. However, regardless of the site's planning history or the length of time the unit has functioned as an independent dwelling, I am required to assess the proposal against the current development plan, not any former iteration. Moreover, I am not persuaded that the standards set by Policy D6 should be interpreted flexibly. I therefore do not agree that assessing the unit as a single-storey dwelling, when it is clearly not, would be appropriate. Even if I were to accept the appellant's suggestion to impose a condition limiting occupancy to a single person, the proposal would still conflict with the development plan.
10. For these reasons, the development fails to comply with the prescribed internal space standards and, as such, does not offer suitable living conditions for occupiers. It therefore conflicts with Policy D6 of the LP2021 and Policy 7 of the Havering Local Plan 2016-2031, Adopted November 2021 (the HLP), which together seek to ensure housing developments are of high-quality design and of adequate size to provide comfortable and functional layouts. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Planning Balance

11. Paragraph 11.d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless certain circumstances apply. Under paragraph 11.d) ii., this includes circumstances where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
12. Footnote 8 of the Framework directs that for applications involving the provision of housing, paragraph 11.d) applies where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council confirms it currently falls short of this requirement, meaning paragraph 11.d) is engaged.
13. Having regard to my findings on the main issue, Policy D6 of the LP2021 and Policy 7 of the HLP are the most important policies for determining this appeal. These policies require development to deliver a high standard of amenity for existing and future users and are broadly aligned with the requirements of the Nationally Described Space Standard (NDSS). Accordingly, they are consistent

with the Framework, in particular paragraph 135.f) and footnote 51, and are therefore not out-of-date.

14. The appellant states that the property has paid separate Council Tax for over 18 years and has been occupied independently for that duration. However, no substantive evidence has been provided to establish the lawful use of the site for this purpose. As such, this period of occupation does not weigh in favour of the proposal. Similarly, the absence of objections from consultees is a neutral factor that does not weigh in the proposal's favour.
15. Whilst I observed during my visit that the unit appeared functional and usable, this observation does not overcome the clear policy conflict. The proposal fails to accord with the development plan, which is consistent with the Framework, and this conflict carries significant weight.
16. That said, the development would contribute an additional dwelling in an area where there is a defined housing need and would make efficient use of the land. These factors align with the objectives of the Framework and deliver some benefits in the context of the paragraph 11.d) balance. However, as the development is only for a single dwelling, the benefits it provides are limited.
17. As the unit is currently occupied by a single person, dismissing the appeal could result in the loss of their home. This would interfere with their rights under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998, including the right to respect for private and family life and the peaceful enjoyment of possessions. However, these are qualified rights, and any interference must be lawful, proportionate and pursue a legitimate aim. In this case, the interference would be lawful and necessary to uphold planning policy objectives. Moreover, I have been provided with limited evidence regarding the occupier's personal circumstances or any hardship that would arise in securing alternative accommodation.
18. Taking all of the above into account, I find that the harm resulting from the proposal's conflict with the development plan would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with the plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR