



Appeal Decisions

Site visit made on 18 March 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal A Ref: APP/B5480/W/24/3351159

66 Victoria Road, Havering, Romford RM1 2LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr S Abbott against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0862.24.
 - The development proposed is Installation of 9 new windows on the western elevation to King Edward Road, and 2 new windows on the southern elevation.
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Appeal B Ref: APP/B5480/W/24/3351160

66 Victoria Road, Havering, Romford RM1 2LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr S Abbott against the decision of the Council of the London Borough of Havering.
 - The application Ref is J0015.24.
 - The development proposed is application for prior notification of development from Use Class E (Commercial) to Use Class C3 (Dwellings) to create 5 residential units.
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Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They differ in that Appeal A is for the installation of 9 new windows on the western elevation to King Edward Road, and 2 new windows on the southern elevation. Appeal B is for prior notification of development from Use Class E (Commercial) to Use Class C3 (Dwellings) to create 5 residential units. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The description of development in the above banner heading for both appeals has been taken from the decision notice and appeal form as this concisely describes the proposed development.
4. The description of development in the above banner heading relating to Appeal A includes 2 new windows on the southern elevation although the plans provided only show one new window to this elevation. I have determined this appeal accordingly.

5. A Unilateral Undertaking (UU) has been submitted covering matters relating to parking permits. I will return to this matter later.

Main Issues

6. The main issue for Appeal A is the effect of the proposed development on the character and appearance of the host building and surrounding area.
7. The main issues for Appeal B are:
 - Whether the proposed development would constitute permitted development under Article 3, Schedule 2, Part 3, Class MA of the GPDO with particular regard to external works;
 - Whether the proposed development would be permitted by Article 3, Schedule 2, Part 3, Class MA of the GPDO with regard to transport impacts of the development, particularly to ensure safe site access;
 - Whether the proposed development would be permitted by Article 3, Schedule 2, Part 3, Class MA of the GPDO with regard to impacts of noise from commercial premises on the intended occupiers of the development;
 - Whether the proposed development would be permitted by Article 3, Schedule 2, Part 3, Class MA of the GPDO with regard to the provision of adequate natural light in all habitable rooms of the dwellinghouses; and
 - Whether the proposed development would provide sufficient living conditions for future occupiers of the site with particular regard to internal floorspace.

Reasons

Character and appearance

8. The appeal site comprises of a two storey end terraced property located on the southern side of Victoria Road, Romford, at its junction with King Edward Road. The ground and front part of the first floor is a commercial unit - Class E. The first-floor rear part is in residential use which would remain and is excluded from this appeal. The property has been extended in the past and extends along King Edward Road. Victoria Road is a mixed-use location with mainly commercial uses at the ground floor level and residential above lying within the Romford Town Centre.
9. The proposed development under Appeal A would include the insertion of 9 new windows to the western elevation and one window to the southern elevation of the commercial building with all pre-existing windows to be retained. This would be to facilitate the works under Appeal B which seeks to change the use of the building from Use Class E (Commercial) to Use Class C3 (Dwellings) to create 5 residential units.
10. The windows would be highly visible from a number of public vantage points including when approaching the site along Victoria Road from the west and along King Edward Road. At my site visit, I saw that the flank elevation is read alongside that on the opposite side of the road No 64 Victoria Road (No 64) which also extends southwards along King Edward Road in a similar way to the appeal site. There are a number of windows along the flank elevations of both the appeal site

and No 64 which do vary in terms of the number of openings and their overall design, but I did not find their arrangement to be so substantially different to one another or so ad hoc to result in no pattern. The openings on each flank elevation are also not excessive with a greater level of solid walling apparent which allows them to be read in a relatively consistent manner. Further south of the appeal site are two storey terraced properties which are relatively uniform with one another in terms of fenestration detailing which again I did not find to be excessive.

11. The proposed windows would be poorly designed resulting in an excessive and disproportionate number of window openings upon the single elevation. It would be out of character with the host property and visual amenity of the surrounding area appearing incongruous in this setting. I cannot therefore agree that the proposal would create more interest or would complement the local street scene. The existing downpipes, vents and other additions are also not so unattractive as to benefit from the proposed development. Whilst there may have been more windows in the flank elevations previously, they have been blocked up and are not present today. I must determine the scheme on present circumstances and context. The suggested condition relating to window reveals would not sufficiently mitigate against the harm I have identified as the proposed windows would still be excessive and visually intrusive in this particular location.
12. For the above reasons, I conclude on this issue that the proposed development under Appeal A would unacceptably harm the character and appearance of the host building and surrounding area. It would therefore be contrary to Policy 26 of the Havering Local Plan 2016-2031, 2021 and Policy D4 of the London Plan, 2021 (LP) which together, amongst other matters, explains that the Council will promote high quality design that contributes to the creation of successful places in Havering. For the same reasons, the proposed development would also be contrary to section 12 of the National Planning Policy Framework relating to achieving well designed places.
13. The appellant explains that design reviews as set out under Policy D4 of the LP would not seem appropriate or relevant to a small-scale scheme of this nature. Policy D4 however covers various matters and overall relates to delivering good design which I find to be totally relevant in considering Appeal A.

External works

14. As set out earlier, the proposed development under Appeal B seeks to change the use of the building from Use Class E (Commercial) to Use Class C3 (Dwellings) to create 5 residential units. Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO permits development consisting of a change of use from commercial, business and service (use class E) to dwellinghouses (use class C3) subject to limitations and conditions. Class MA is restricted to change of use only and thus the appellant needs to consider whether physical works such as external changes required to implement a change of use constitute development and ensure they have planning permission if necessary.
15. It is undisputed that operational development is required to support the proposed change of use in the form of external works (windows and doors). Whilst these were indicated on the proposed plans as submitted, a separate full planning application has been submitted in relation to these works. This application was refused under reference P0862.24 and is the subject of Appeal A. In the event

where I was minded to allow both appeals, a condition could be imposed requiring the works under Appeal A to be carried out prior to occupation of the development under Appeal B. This matter is therefore of lesser concern to me.

16. For the above reasons, I conclude on this issue that the proposed development under Appeal B would constitute permitted development under Article 3, Schedule 2, Part 3, Class MA of the GPDO with particular regard to external works.

Transport impacts

17. As set out above, development under Class MA is permitted subject to certain limitations and conditions. MA.2.(2) explains that before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to amongst others, (a) transport impacts of the development, particularly to ensure safe site access.
18. The proposed development would be a car free scheme, and the appellant has submitted a UU that would prevent future residents from obtaining residents parking permits and thus the proposed development would not have any adverse transport impacts in this regard. If I had been otherwise minded to allow this appeal, I would have sought feedback from the Council on the submitted UU. There is however a lack of detail in respect of the refuse and recycle collection and the provision for cycle storage facilities. I appreciate the appellant's comments regarding space to the front of the building for cycle and refuse storage. However, I have very limited detail on this in terms of overall arrangements for the site and noted as part of my site visit that the area to the front was indeed constrained in terms of its size.
19. The appellant suggests that such detail could be conditioned and refers to the nature of class MA and operational development. Nonetheless, in considering the transport impacts of the development, particularly to ensure safe site access, I cannot be confident that the proposed development would not give rise to issues with regard to refuse and recycle collection and the provision for cycle storage facilities given the lack of information in this regard and constrained nature of the site. A condition would not therefore be appropriate in this instance.
20. For the above reasons, I conclude on this issue that the proposed development under Appeal B fails to meet the criteria set in paragraph MA.2. (a) under Class MA of Part 3 to Schedule 2 of the GPDO (as amended), with respect to transport impacts of the development, particularly to ensure safe site access.

Impacts of noise from commercial premises

21. The prior approval matters for Class MA also includes amongst other matters, (d) impacts of noise from commercial premises on the intended occupiers of the development.
22. The appeal site is located within a town centre where there are commercial properties including shops and restaurants located in close proximity of the site. The area is characterised by ground floor commercial and first floor flats, therefore the introduction of ground floor residential use adjoining commercial uses has the potential to impact the residential amenity of future occupiers of the site. I do not have any evidence before me to demonstrate that future occupiers of the site

would not suffer from undue noise from the potential associated town centre activities. This is despite the appellant's claims that there is nothing that makes any particular noise as I have no compelling evidence to demonstrate this. I appreciate that the first-floor rear part of the site is in residential use already, but this does not justify the proposed development particularly as the units would be located at ground floor level and more towards the front of the building.

23. The Council raises concern regarding the road being very busy with a high level of traffic. The appellant however claims that road noise does not comprise a commercial premises under the scope of MA.2. (d). Even if I considered road noise to fall outside of the scope of MA.2.(d), this would not alter my findings as there is still a lack of detail in relation to noise.
24. I am aware of the planning history at this site and note the appellant's comments that if noise was an issue, it would have been ventilated in the context of the proposal which was dismissed at appeal. This previous appeal was however made under section 78 of the Town and Country Planning Act 1990 opposed to the GPDO which specifically relates to impacts of noise from commercial premises on the intended occupiers of the development. Any lack of assessment on this matter in relation to a different scheme would not mean that this scheme would not be harmful and thus has no bearing on the outcome of my decision. I have assessed this scheme based on its own merits.
25. For the above reasons, I conclude on this issue that the proposed development under Appeal B would fail to meet the criteria set in paragraph MA.2. (d) under Class MA of Part 3 to Schedule 2 of the GPDO (as amended) with respect to impacts of noise from commercial premises on the intended occupiers of the development.

Natural light

26. The prior approval matters for Class MA also includes amongst other matters, (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
27. Two of the proposed units (one at the ground floor and one at the first-floor level) would be single aspect west facing. A window would still however serve the lounge areas and kitchen, and a window would also serve the bedroom area. Both windows would be of a good size. Whilst a daylight/sunlight report has not been complete for the scheme, I am sufficiently satisfied that the habitable rooms of the units would be provided with adequate natural light.
28. For the above reasons, I conclude on this issue that the proposed development under Appeal B would meet the criteria set in paragraph MA.2. (f) under Class MA of Part 3 to Schedule 2 of the GPDO (as amended) with respect to the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Internal floorspace

29. Paragraph 9A to Article 3 of the GDPO states that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. Paragraph 9B explains that the reference in paragraph (9A) to the nationally described space

standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

30. A 1 bedroom, 2 person unit would require 50 square metres gross internal floor area and whilst the plans show that the ground floor front unit would achieve this, the ground floor middle unit would provide 39 square metres and thus would not meet the nationally described space standards.
31. The appellant claims that the ground floor middle unit is a 1 bedroomed, 1 person unit and this was simply an annotation issue. Even so, the plans before me still show this as being a 1 bedroomed 2-person unit which would be substandard, and the supporting information submitted also refers to this unit as being a one bedroomed two-person flat. The overall size of the unit is slightly larger than the middle flat at first floor level, with the size of the bedroom being a two-occupancy room size and capable of occupancy by two persons. On this basis, I am not convinced that this would indeed be a 1 bedroomed, 1 person unit. A condition to require that only one person should occupy the unit would be unduly onerous and difficult to enforce and not therefore adequate to control the room occupancy of the units.
32. For the above reasons, I conclude on this issue that the proposed development under Appeal B fails to comply with the limitations of Article 3, paragraph 9A of the GPDO and would therefore be unacceptable.

Other Matters

33. The appeal site is not a listed building, nor within the setting of a listed building and also not within a Conservation Area. This would not however alter my findings on the above main issues.

Conclusion

34. For the reasons given above, I conclude that the proposed development under Appeal A conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination that outweighs the identified harm and associated development plan conflict.
35. In terms of Appeal B and whilst I have not found conflict with some of the disputed conditions/limitations of Article 3, Schedule 2, Part 3, Class MA of the GPDO with respect of external works and natural light, Appeal B fails to meet the criteria set in paragraph MA.2. (a) and (d) under Class MA of Part 3 to Schedule 2 of the GPDO (as amended), with respect to transport impacts of the development, particularly to ensure safe site access and impacts of noise from commercial premises on the intended occupiers of the development. Appeal B also fails to comply with the limitations of Article 3, paragraph 9A of the GPDO.
36. For the reasons given above, I conclude that Appeal A and B are dismissed.

N Teasdale

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/B5480/W/24/3351159	Mr S Abbott
Appeal B	APP/B5480/W/24/3351160	Mr S Abbott