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## Appeal Decision

Site visit made on 30 April 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 09 June 2025.**

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**Appeal Ref: APP/B5480/W/24/3356736**

**100-102A High Street, Hornchurch, RM12 4UH**

- 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 Vijay Lodhia against the decision of the Council of the London Borough of Havering.
  - The application Ref is P1129.24
  - The development proposed is the change of use from empty office to one 3 bedroom flat
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue in this appeal is whether the proposed development would provide a satisfactory standard of accommodation for future occupiers of the flat, with particular reference to amenity space provision, refuse storage provision, and noise disturbance.

### Reasons

#### *Amenity space*

3. The proposed development would see the change of use of an existing first floor vacant office building to a family-sized 3-bedroom flat. The Council confirm the internal floor area requirements, layout of rooms, the size of rooms, and ceiling heights within the property would satisfy the requirements for internal space standards set out in Policy D6 of the London Plan 2021, and matters in Policy 7 of the Havering Local Plan 2021 that relate to the internal layout of the dwelling.
4. Policy D6 of the London Plan further sets out a requirement to meet minimum standards relating to private outdoor space which, for the 3-bedroom flat, equates to 8 sq m. Policy 7 of the Local Plan states that the Council will support residential development which incorporates an appropriate level of high quality, useable green infrastructure and amenity space; the supporting text to the Policy sets out the design considerations for amenity space to ensure it is of high quality and useable. The National Planning Policy Framework requires planning decisions to create places that have a high standard of amenity for future users.
5. The appellant states there is an area of to the rear of the property which can be used as an amenity area, either in whole or in part by taking some area off an existing parking area. I am very doubtful this could be a meaningful amenity area: I

saw at my site visit it is a poorly located area to the rear of commercial properties, exposed to the street, used for parking, and would have poor access from the flat. There are no details on how a useable and attractive amenity space would be provided, with the application drawings and submission at the application stage making no reference to this being an amenity area.

6. Hence, on the basis of what I have seen and the information provided on this matter, I am not persuaded this area of land would provide a high quality and useable amenity space, and so this would represent a poor standard of accommodation for future occupiers. I do not consider securing the use of this space could be resolved by the imposition of a planning condition requiring further details or modification of plans as the lack of detail in the proposed development makes the scheme unacceptable in planning terms.
7. The proposal would therefore create a dwelling which does not provide a satisfactory standard of accommodation, and this would conflict with Policy 7 of the Local Plan and Policy 6 of the London Plan.
8. The appellant says the Mayor of London Housing Supplementary Planning Guidance allows for, in exceptional circumstances, the provision of additional internal living space equivalent to an area of private open amenity space if it is impossible to provide such space. I see no persuasive reason why there is an exceptional circumstance that warrants a departure from the development plan policies that require a minimum size of private amenity space for the family-sized dwelling as proposed in this appeal. Although I am informed there are other properties in the area without private amenity space, I have not been informed about their configuration, size, internal arrangements and whether they provide a reasonable standard of accommodation for occupants. Thus, their existence does not change my view that the requirements of the development plan policies should be adhered to, and that the absence of private amenity space for the proposed 3-bedroom flat would be unacceptable.
9. My attention has also been drawn to public open space in the wider area. The development plan policies do not refer to such areas as being a suitable substitute to providing private amenity space. In any event, the areas highlighted to me are distant enough to not represent a realistic alternative to a private space that meets the regular recreational and amenity needs of the family-sized flat. Thus, my conclusions above remain the same.

#### *Noise disturbance*

10. The property fronts the A124 High Street and is in a town centre, with commercial uses adjoining and close by. Policy 34 of the Local Plan resists development that would impact on amenity through matters including noise, and the Framework states that planning decisions should avoid noise giving rise to significant adverse impacts on health and quality of life.
11. The location of the appeal site means the new dwelling is potentially subject to intrusive noise sources. There is no objective evidence before me to demonstrate that occupiers of the proposed flat would be subject to unacceptable levels of noise disturbance or, conversely, that they would not; the appellant's submissions on noise levels is not supported by any technical evidence.

12. The appellant points to other dwellings in the area and that future occupiers would be aware of the location, which were matters acknowledged by the Council. However, I have no information as to whether the quality of other accommodation is of good standard, or if existing dwellings in the area have incorporated measures to mitigate the effects of noise in order to make the accommodation acceptable.
13. As the uses and activities in the surrounding area are a notable source of noise to the proposed dwelling, this is a matter that must be addressed in order to ensure that the living conditions of future occupiers is not prejudiced by virtue of noise intrusion. In the absence of robust information on this matter, and the demonstration of any measures to address any likely disturbance from noise, I conclude on the information before me that the proposals fail to satisfy the requirements of Policy 34 of the Local Plan and the Framework.
14. I do not consider this matter can be resolved by the imposition of a planning condition on the grant of permission requiring a noise survey to be undertaken at that stage, as that presupposes there would be further details or modification to the scheme that would enable the dwelling to be occupied without undue noise disturbance; it is the lack of detail in the proposal before me that makes the scheme unacceptable in planning terms. My findings on the second issue therefore remain the same.

#### *Refuse storage provision*

15. The submitted drawings do not indicate where refuse for future occupants would be stored. The appellant states this could be within the pedestrian passageway, but the drawings show this is a narrow area and I am not persuaded this would be convenient, safe or realistic. An alternative is said to be the rear area, but the Council point to the walk needed to this area and raise concerns regarding the convenience and practicality of this arrangement, and I share that view.
16. Policy D6 of the London Plan requires housing to be designed with adequate storage space for waste. The absence of information in how this would be provided at a property which is constrained in its layout and relationship with other properties means this requirement is not satisfied.
17. As with the other issues in this appeal, I do not consider this is a matter that can be resolved by a planning condition requiring further details as there is no information presented to me that persuades me this issue can be satisfactorily resolved through such details. Thus, on the basis of what I have read and seen, I conclude the proposed development would not provide satisfactory refuse storage provision, and this would conflict with Policy D6 of the London Plan.

#### *Other considerations and conclusion*

18. The appellant states the premises could benefit from a change of use to a dwellinghouse under Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, and so this represents a 'fallback' position. However, to take advantage of such rights requires the prior approval of the local planning authority for a number of matters. I am not aware this has been given following any any formal submission, and there is no indication from the local planning authority that they would do so. Hence I consider there is no more than a theoretical possibility that a change of use through

permitted development rights could be achieved, and there is no real prospect of it occurring. I therefore attach little weight to this consideration.

19. I am informed the Council cannot demonstrate a five year supply of deliverable housing sites. The proposal would result in an additional dwelling in a sustainable area, which would contribute to addressing this shortfall and to the Government's broader objective of significantly boosting the supply of homes. There would be a short-term boost to economic development during construction of the buildings. I have taken account of these matters in support of the proposal. However, this support is countered by the proposed dwelling not providing a satisfactory standard of accommodation, which are matters enshrined in the development plan and the Framework. The adverse impacts of granting planning permission would therefore significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Hence, the proposal would not comprise sustainable development.
20. My overall conclusion is therefore that the proposal would conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal is dismissed.

*C J Leigh*  
INSPECTOR