
Appeal Decision

Site visit made on 2 June 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/B5480/W/25/3359151

303 Upminster Road North, Rainham RM13 9JL

- 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 Mrs Ashley Amara Maduabuchi Chika against the decision of the Council of the London Borough of Havering.
 - The application ref is P1454.24.
 - The development proposed is change of use from single residential to supported living for up to three adults receiving care.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on my site visit that the development had been mostly completed and a resident was living at the property. However, it was not operating at full capacity with the two upstairs rooms vacant. Nevertheless, I have determined the appeal on the basis of the plans before me.
3. The floor plans are mislabelled, with the existing plan shown as proposed, and the proposed plan shown as existing. Notwithstanding, I am satisfied that I have a sufficient understanding of the plans and the development proposed to make an informed decision based on the evidence before me.

Main Issues

4. The main issues are:
 - whether the proposed development would provide adequate living/working conditions for future occupiers and users of the development, with particular regard to the layout of the development and its adaptability;
 - the effect of the proposal on highway and pedestrian safety, with particular regard to the provision of parking; and
 - the effect of the proposal on the character of the area and on the living conditions of nearby neighbours with specific reference to noise and disturbance.

Reasons

Living/working conditions of future residents and users of the development

5. The development is set over two floors with the communal living area situated on the ground floor and the toilets and bathroom on the first floor. No matter which bedroom a resident resides in, they are required to use the stairs to access essential facilities for living. However, no details have been provided to demonstrate how residents with impaired mobility or other health conditions could navigate the internal staircase of the property or how the property could be adapted to facilitate this and ensure they have adequate living conditions.
6. The internal layout of the site is also cramped and contrived, particularly in relation to shared spaces which is limited to the living room. This puts significant pressure on this room to meet all the other non-cooking and washing needs of the residents outside of their bedrooms, and it is of insufficient size to do so. The shared living room would not be able to accommodate residents and multiple visitors at the same time. If one resident had visitors using the living room, this would cause pressure for the other residents to be confined to their bedroom with no other internal spaces to go to eat or relax which would be oppressive and harmful to the living conditions of the future occupiers.
7. Furthermore, the staff office comprises a very small room on the first floor which is inadequate in size for multiple members of staff to effectively use. This is the only area in the property which is restricted to members of staff. It is unclear where the other permanent member of staff could go within the property, other than the shared living room if the office was in use. This is an unacceptable arrangement resulting in poor living and working conditions, whereby there would be insufficient space within the property for residents and staff to spend time apart and to facilitate the independency of residents. It also would increase the pressure on the use of this shared living room with additional people who would seek to use it further contributing to the poor living conditions.
8. Whilst the ground floor bedroom directly faces out into the garden area, given the low level of occupancy of only three individuals and the views would be from the private garden area, I am satisfied this arrangement would not give rise to materially harmful levels of overlooking towards this bedroom.
9. Overall, the development would result in inadequate living and working conditions for future users of the development by virtue of the cramped and contrived layout, and insufficient information having been submitted to robustly demonstrate the property has been designed, or could be adapted, to accommodate all the needs of residents.
10. The proposal would therefore conflict with Policy 6 of the HLP. This policy, amongst other matters, seeks to ensure that developments proposing specialist accommodation robustly demonstrates the site is suitable for the intended occupiers in terms of the standard of facilities, level of independence and the provision of support and/or care and that consideration has been given to future needs and that the development can be easily adapted to meet the needs of future occupants.

Parking

11. The site has a Public Transport Access Level (PTAL) rating of 1B demonstrating that the site is not well served by public transport. Given the poor access to public transport, the timing of the evening shift change of the permanent members of staff, and the likelihood of cleaners bringing equipment and supplies to the site, it is reasonable to expect members of staff and visitors would be mostly reliant on private vehicles to access the site. Also, noting the age of future occupiers and the facility seeking to help individuals live independently, there is nothing before me to suggest that residents would not have access to their own vehicles which they could park at the site.
12. The appellant has indicated that three parking spaces would be provided. The Council advises that there are no specific parking standards for the type of development proposed and therefore the highway impact is a matter of judgement.
13. With two permanent members of staff present on site at all times and cleaners intermittently visiting the site, the parking spaces would be consistently occupied by the members of staff, leaving no room for visitors or residents to park. Demand would be particularly strained at shift handovers where the staff coming to the site would need to wait for the staff at the site to leave the premises. It is unclear where this could be done given there are double yellow lines outside the site and its location at the junction of Upminster Road North with the A1306 which I observed on my site visit was busy with vehicle movements. Overspill of cars from the appeal site into the road would pose a danger to oncoming traffic and pedestrians and I have no evidence to suggest that this would not occur. Furthermore, the proposal could result in staff, visitors or residents parking in the wider area. However, I do not have evidence before me demonstrating the local area has sufficient capacity to accommodate the increase in demand on parking spaces without causing unacceptable harm to highway safety.
14. I therefore do not have convincing evidence to conclude that the proposal makes sufficient provision of parking which would ensure the safety of other road users and pedestrians. The proposal would therefore conflict with Policy 6 and 24 of the HLP and Policy T6 of the London Plan (2021) (LP). These policies, amongst other matters, seek to ensure adequate parking is provided by the development and does not result in unacceptable impacts on parking conditions in the area.

Character and living conditions of nearby neighbours

15. Upminster Road North comprises predominantly semi-detached and detached properties within a variety of architectural styles. There are also blocks of flats and occasionally shops and commercial units. The area has a residential suburban character where properties appear as single households.
16. The appeal property is a two storey semi-detached dwelling with a front drive. Before the development took place, the plans show the appeal property was a two-bedroom dwelling, with at least one of the bedrooms appearing suitable as a double room. It is therefore reasonable to assume that it was occupied by a single household.
17. The development has three bedrooms, each of which would be occupied by a single person. In addition to the occupants, the proposal also results in two members of staff being present at the site 24 hours a day, cleaners and each

resident being permitted to have visitors, which include relatives, nurses, doctors and social workers Monday to Saturday 11am to 5pm.

18. The development therefore results in an intensification of the use of the site which would generate a level of noise and activity through the comings and goings of residents, staff and visitors at a materially greater level than the pre-existing dwelling as a single household with two bedrooms. This would create harmful noise and disturbance generated by the appeal proposal to nearby neighbours.
19. Furthermore, on this basis there is also insufficient evidence to conclude that the proposal would also not result in harm to the suburban character of the area through the intensification of the site.
20. The development would therefore be harmful to the character of the area and to the living conditions of nearby neighbours by virtue of noise and disturbance. This would result in conflict with Policies 6, 7 and 34 of the HLP. These policies seek, amongst other matters, to ensure development does not adversely impact the surrounding area and ensures the living conditions of existing neighbours are not adversely impacted by virtue of undue noise and disturbance.
21. The Council has referred to Policy 24 of the HLP and Policy H12 of the LP in its associated reason for refusal. However, these policies are not directly relevant to this specific main matter as they respectively refer to parking standards and the in-principle support for supported and specialised accommodation.

Other Matters

22. I understand that the appellant is unsatisfied with the Council's handling of the current and previous applications. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

23. 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 it. Therefore, I conclude that the appeal is dismissed.

C Housden

INSPECTOR