

Appeal Decision

Site visit made on 12 June 2017

by Rachel Walmsley BSc MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2017

Appeal Ref: APP/B5480/W/17/3171069

Geo Copsey & Co Ltd, 178 Crow Lane, Romford RM7 0ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Geo Copsey & Co Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P1189.16, dated 14 July 2016, was refused by notice dated 12 September 2016.
 - The development proposed is demolition of existing office buildings, removal of demountable buildings and construction of a two storey office building.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council raised no objection to the development on the grounds of it being within the Green Belt. In the absence of any evidence to indicate otherwise I have decided the appeal on the same grounds and in relation to the main issues identified.

Main Issues

3. These are:
 - (i) the effect of the proposal on the character and appearance of the area; and,
 - (ii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and appearance

4. Buildings within the vicinity of the appeal site vary in height between one and two stories and are generously spaced which gives the area an open and spacious character. The buildings either side of the appeal site are single storey and combined with their wide frontages, remain subservient to the street. Within the appeal site and its immediate surroundings storage containers are stacked at varying heights but are set well back from the road and therefore do not impinge on the area's open character.
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5. The development would be prominent in views from the west as the building line of the development would project in front of the building line of No 178 Crow Lane. Together with the modular form of the development which would contrast with the prevalence of pitched roofs within the area, the development would appear overly dominant and incongruous within the street, causing harm to the area's open and spacious character. Whilst the building would be set back from the building line to No 158 Crow Lane, this would not overcome the harm found within views from the west.
6. Industrial/commercial uses prevail within the vicinity of the appeal site and in light of the evidence before me I find no reason to consider the principle of an office building on the site to be unacceptable. Indeed the benefit of redeveloping the site to help improve the environmental and visual quality of the area is welcomed. However, policy DC61 of the DPD¹ requires development to respond to and respect local building forms and patterns of development. I have found that the requirements of this policy would not be met because of the position of the building on the site and its form.
7. In all, therefore, the development would have a harmful effect on the character and appearance of the area and therefore would be contrary to policy DC61 of the DPD as indicated.

Living conditions

8. The development would be visible from windows to the internal living spaces at first floor level at No 158 Crow Lane. Despite the distance of separation an existing garage would create, the development would appear overbearing in views from these living spaces which in turn would create an oppressive living environment for the occupiers of No 158. The set back of the building helps to lessen this impact on outlook but not eradicate the harm found.
9. Despite the building's position away from the shared boundary with No 158, the height and form of the development would create a building of presence for the occupiers of No 158 when in their garden. I have considered the appellant's suggestion of introducing soft landscaping in the space between the proposed building and the shared boundary. However, the degree to which the planting would overcome the harm identified is dependent on the species of plants and them growing to a sufficient height and remaining such, throughout the lifetime of the development. No assurances have been given to the planting that could be implemented. Furthermore, given the form and height of the building proposed, I doubt that planting could be sufficient to mitigate the harm identified.
10. Policy DC61 of the DPD does not mention outlook in its list of requirements for granting planning permission. I do not find anything, therefore, to suggest that the proposal would be contrary to the development plan in this regard. Paragraph 17 of the National Planning Policy Framework (the Framework), however, seeks development that secures 'a good standard of amenity for all existing and future occupants...'. The harm found to outlook would be contrary to the Framework.

¹ London Borough of Havering, Core Strategy and Development Control Policies Development Plan Document (Adopted 2008)

11. I recognise that the occupiers of No 158 raised no objection to the development proposed. However, my concern is for future as well as existing occupiers and therefore this does not alter my findings in respect of the main issue.
12. Demountable buildings currently surround the garden to No 178 Crow Lane which would be removed as part of the development proposed. This would reduce current levels of overlooking and therefore would improve the privacy of the garden at No 178. Flank windows at first floor level in the new building would face west towards the garden but views from these windows would overlook a small proportion of the garden overall. Any overlooking of the garden would not, therefore, have a discernible effect on the privacy of the occupiers when in their garden.
13. In all, therefore, I have found that the development would not have a harmful effect on the living conditions of the occupiers of No 178 Crow Lane with regards to privacy. The development would, however, have a harmful effect on the living conditions of the occupiers of No 158 Crow Lane with regards to outlook. The lack of harm found at one property does not compensate for the harm found at the other, and therefore in conclusion, the proposal would have a harmful effect on the living conditions of neighbouring occupiers, with particular regard to outlook, and as a result would be contrary to policy as indicated.

Other matters

14. I have noted the building at No 128 Crow Lane which was allowed at appeal. I have no details of this appeal to draw any comparisons with the development proposed. Nevertheless, having seen the building following my observations on site, I am not persuaded that a development of a similar form and finish would overcome the harms identified that relate to the height and position of the development proposed.
15. I have no doubt that the development would help to secure economic growth and support a local business but in light of the evidence before me, this does not change my conclusions on the main issues identified.

Conclusion

16. For the reasons given, I find that the development would be contrary to the development plan and the Framework as indicated. None of the material considerations indicate that the decision should be made, other than in accordance with the plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR