



Appeal Decisions

Site visit made on 31 July 2019

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal A Ref: APP/B5480/W/18/3209776

36 Reed Pond Walk, Romford, Essex RM2 5PD

- 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 Mr Lee Funnell against the decision of the Council of the London Borough of Havering.
 - The application Ref P1796.17, dated 1 November 2017, was refused by notice dated 5 July 2018.
 - The development proposed is a single-storey side extension and internal alterations to kitchen.
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Appeal B Ref: APP/B5480/Y/18/3209777

36 Reed Pond Walk, Romford, Essex RM2 5PD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Lee Funnell against the decision of the Council of the London Borough of Havering.
 - The application Ref L0006.17, dated 1 November 2017, was refused by notice dated 10 July 2018.
 - The works proposed are a single-storey side extension and internal alterations to kitchen.
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Decisions

Appeal A: APP/B5480/W/18/3209776

1. The appeal is dismissed.

Appeal B: APP/B5480/Y/18/3209777

2. The appeal is dismissed.

Procedural Matters

3. The Council's decisions on the applications that led to these appeals pre-dated the publication of the latest version of the National Planning Policy Framework (the Framework), which is a material consideration relevant to decision-taking from the date of its issue¹. Accordingly, I will take the Framework into account in my assessment of the planning merits of the appeals. The parties had adequate opportunity during the course of the appeals to make comments on the effects of the publication of the Framework in their statements.

¹ Per paragraphs 2 and 212 of the Framework

4. The Council granted planning permission and listed building consent²² for an amended scheme related to the property (the recently consented scheme). I was provided with copies of the Decision Notices and plans related to this recently approved scheme and sought comments on the bearing of these extant consents on the appeals. Consequently, I consider that no prejudice would occur as a result of me taking the recently approved scheme into account in my consideration of the appeals.

Main Issues

5. The main issues in both appeals are whether the appeal scheme would preserve No 36, a Grade II Listed Building, and any features of special interest that it possesses; and whether it would preserve or enhance the character or appearance of the Gidea Park Conservation Area.

Reasons

Special Interest and Significance

6. The smaller of a pair of Grade II listed dwellings, set in well-vegetated and relatively spacious grounds, the articulation of the appeal dwelling's roofscapes, taken together with the craft involved in its construction and use of good quality materials, including the pargetting on its front elevation, impart a strong Arts and Crafts aesthetic. Designed by MH Baillie Scott, No 36 is one of the exhibition houses and cottages of 1910/11 designed by prominent early Twentieth Century architects as part of a wider development based on "Garden Suburb" principles. Insofar as relevant to the proposals before me in this appeal, these aspects of No 36 contribute not only to what the Council's *Gidea Park Conservation Area and Management Proposals* (the CAMP) describes as the "delightful variety" of houses produced and thus the character and appearance of the area, but also to the special interest of the appeal building.
7. However, the significance of No 36 also derives from the social and architectural ideals of the Garden Suburb concept and Arts and Crafts movement more generally, embodied in the exhibition houses and cottages. Moreover, in these terms the craft employed in its internal construction and fitting is also of note. Consequently, its special interest from an architectural point of view also resides in its internal layout and detailing.

The appeal scheme

8. The appeal scheme would introduce a single-storey extension to the side of No 36 which would link the original kitchen to an existing breakfast room which has extended from the rear elevation of the property. The proposals would involve the removal of a considerable amount of the side wall of the kitchen including the existing windows and door opening. A new opening would be made between the breakfast room and the kitchen. An existing oak beam would be replaced with a steel one faced in oak. Another steel beam would span over the opening between the kitchen and the breakfast room. The fitted dresser in the kitchen would be repositioned within the new side extension. The existing timber door, and one of the existing windows would be incorporated in the long wall of the side extension.

²² Council references: P1342.18 and L0008.18

The effect of the appeal scheme

9. The previous rear extensions at the appeal property, particularly the breakfast room to which the appeal scheme would be attached have preserved its historic plan form and internal elements of interest. Moreover, the recently consented scheme, whilst it would introduce a side extension to the breakfast room would not involve the removal of walling, fabric or windows of the original building.
10. In contrast the appeal scheme would remove a considerable amount of walling, and an original window- resulting amongst other things, in the loss of the scullery area around the sink, and the creation of a much more open-plan and less cellular space. Moreover, the appeal scheme would involve the removal of the timber beam, an original structural element, in favour of a more modern structural intervention. The internal alterations would also entail the repositioning of features of interest including the existing dresser. Taken together these aspects of the appeal scheme would not only erode the plan form of the original building, but also remove or reconfigure elements that are integral to the craft employed in its construction and fitting. As a result, these interventions would impair an appreciation the Arts and Crafts design, the architectural ideals of the Garden Suburb, which underpin these aspects of the building's design, and its cottage aesthetic. In these ways, the proposed changes would cause a harmful impact to the special interest of the appeal building.
11. The side extension itself would be of a limited scale and discreet positioning, and would incorporate the original door, and one of the existing windows. For these reasons, the extension would not erode the building's external character and would not therefore cause material harm to the significance of the Conservation Area, and its character and appearance would therefore be preserved. Nevertheless, lack of harm in these regards does not justify the harmful effects that the appeal scheme would cause to the significance of the Listed Building.
12. In arriving at this view, I accept that some fittings such as the stove and sink may not be original elements- nevertheless this does not serve to mitigate the harmful effects that I have described. Although I note references to proposals that may have been consented in 2004, which could have involved alterations to the kitchen including some removal of walling, the precise details of these have not been supplied to me, and I have been provided with no substantive evidence to suggest that any consents relating to these former proposals are extant rather than lapsed. For these reasons, the previous consent does not alter my views on the harmful effects that the scheme would cause.
13. Accordingly, in line with the duties arising from the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude on this main issue that the appeal scheme would fail to preserve its host listed building and its features of special interest. For these reasons too, the appeal scheme would conflict with Policy DC67 of the Havering *Core Strategy and Development Control Policies Development Plan Document* (adopted 2008) (the DPD), which requires proposals to avoid adverse effects to listed buildings. As I have found no material harm to the character and appearance of the Gidea Park Conservation Area, the appeal scheme would not conflict with Policy DC61 of the DPD insofar as it requires proposals to maintain, enhance or improve the character or

appearance of an area- however, lack of conflict with this policy does not override the appeal scheme's conflict with Policy DC67.

Other Matters

14. The proposals would result in greater penetration of natural light into the appeal dwelling creating a layout that would supply more kitchen space and facilitate the installation and use of modern appliances. Whilst these are matters that weigh in favour of the scheme, the benefits that would result are on the whole private in nature and do so only to a limited degree. Moreover, none of the material supplied establishes that in the absence of the appeal scheme the continued use of the appeal property in a manner consistent with its conservation would be under threat. It has not therefore been demonstrated that the proposals are necessary to secure the optimum viable use of the appeal property.

Planning Balance and Conclusions

15. The Framework anticipates that the magnitude of any harm to the significance of a designated heritage asset, such as a listed building, should be assessed. In the current case, the appeal scheme would clearly cause less than substantial harm to the significance of the Listed Building. Nevertheless, the Framework establishes³ that great weight should be given to a heritage asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Moreover, the harm should be weighed against a proposal's public benefits including whether it would secure the optimum viable use of a heritage asset⁴.
16. For the reasons set out above, it has not been demonstrated that the appeal scheme would result in the optimum viable use of the appeal property. Moreover, no public benefits have been advanced in favour of the scheme of a sufficient weight to tip the balance in favour of the proposal when set against the great weight and importance I attach to the harm it would cause to the significance of its host Listed Building. For these reasons, the appeal scheme would conflict with the Framework insofar as it requires heritage assets to be conserved in a manner appropriate to their significance. What is more, no material considerations have been advanced in favour of the scheme that would justify a decision other than in accordance with the development plan, with which, in terms of the above-referenced policy, it would clearly conflict.
17. Accordingly, for the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeals should be dismissed.

G J Fort

INSPECTOR

³ At paragraph 193

⁴ Per paragraph 196 of the Framework.