
Appeal Decision

Site visit made on 21 October 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/B5480/W/19/3232130

Carries Hall, 10 Maybank Avenue, Hornchurch RM12 5SA

- 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 Mrs Rita Kerby against the decision of the Council of the London Borough of Havering.
 - The application Ref P1425.18, dated 16 November 2018 was refused by notice dated 21 January 2019.
 - The development proposed is described as the "demolition of Carries Hall and to erect a terrace of 4no. houses, of which 2no. three bedroom houses and 2no. four bedroom houses".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application had a reason for refusal relating to the lack of a S106 agreement to secure a financial contribution towards the demand for school places arising from the development. The Council have confirmed that in September 2019 the Havering Community Infrastructure Levy came into effect and this has replaced the requirement for a financial contribution for education by way of a legal agreement. I have determined the appeal on this basis.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the proposal would result in the unacceptable loss of a community facility;
 - Whether or not the proposal would provide adequate living conditions for future occupiers with particular regard to external space; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Loss of community facility

4. The appeal property is a small privately owned community hall with associated car parking, located on the corner of Maybank Avenue and Southend Road. The surrounding area is predominantly residential, containing a mix of semi-

detached and short terraces. Immediately to the south of the site is a small children's playground and an area of open space.

5. The hall is currently not in use, having shut in 2017, and it is proposed to demolish it and redevelop the site for residential purposes. Policy DC27 of the *Core Strategy and Development Control Policies Development Plan Document (adopted October 2008)* (DPD) states that redevelopment of community facilities will be allowed where it is demonstrated that: there is no longer a need for the facility, either in its current form or any alternative use; or where suitable alternative provision is made.
6. The appellant's evidence for the years immediately preceding the closure of the building shows that, if a profit was made, it was small. It is clear that the appellant used a variety of means of marketing the hall including websites and information on the building itself. Notwithstanding comments from local residents about the popularity of the hall, despite charging competitive rents, although there were users, the appellant's evidence shows that occupancy levels were relatively low. In addition, it is indicated that the close proximity of the hall to residential properties and the consequent restrictions on noise levels, limited the use that could be made of the building. It was highlighted by the appellant, that there are a variety of other halls available to rent in both the immediate and wider area and that all the users were able to find alternative accommodation within a few weeks of being told the building was going to close.
7. However, there is no evidence to show that since the appellant closed the hall, any marketing of the building as a community facility for either sale or rent has taken place. Whilst the appellant's business may not have been viable, this does not mean that others would not be able to utilise the hall as a community facility in a profitable way. In the absence of such information, and irrespective of whether there are alternative facilities in the area, I am not satisfied that it has been adequately demonstrated that there is no longer any demand for this building as a community facility. Moreover, no alternative community facilities would be provided as part of the appeal scheme.
8. Consequently, I consider the proposal would result in the unacceptable loss of a community facility and would be contrary to Policy DC27 of the DPD outlined above.

Living Conditions

9. Each property would be provided with a private garden area to the rear. The plans indicate that the rear gardens for the 4 bedroomed properties would be approximately 65 sqm, and for the 3 bedroomed mid terrace houses it would be around 50 sqm.
10. The Council have not stated that there are any minimum standards for the amount of outdoor space that should be provided. I accept that the rear gardens would not be as deep as the surrounding houses. Nevertheless, the south facing gardens would be a regular shape and would provide a reasonable amount of useable outdoor space that, subject to adequate boundary treatments, would not be overlooked from the public realm.

11. The reason for refusal also indicates that future occupiers would potentially suffer from excessive noise and disturbance, but this is not expanded on elsewhere in the Council's evidence. Whilst the rear gardens would abut the children's play area, given the limited size of this, it would be unlikely to cause excessive noise generation. Other than this, I see no reason why future occupiers would be subjected to any greater noise levels than any other residents in the area. I observed that ambient noise levels in the area were not excessive with the main source of noise being traffic.
12. Therefore, I am satisfied that the proposed development would provide acceptable living conditions for future occupiers with particular regard to external space. Consequently, there would be no conflict with Policy DC61 or DC55 of the DPD which indicate, amongst other things, that developments should not result in unacceptable living conditions or exposure to unacceptable levels of noise.

Character and Appearance

13. The housing in the surrounding area has a consistency in its scale, design and materials. The proposed terrace of houses would generally respect this prevailing character. However, the limited amount of space to the front of the dwellings would give the development a much more cramped appearance and would be out of keeping with the area.
14. Whilst many of the existing houses have converted the front gardens into parking areas, there is sufficient space for the cars to be parked perpendicular to the road. This would not be possible in the proposed development, as there would only be sufficient space for two cars to park in front of the houses and these would be parallel to the road. This would also result in parking for one house being partially in front of the adjacent house. In addition, the parking for house 1 would be at the side of house 4, rather than adjacent to it. These uncharacteristic parking arrangements would be symptomatic of the over-development of the site.
15. Moreover, the area to the front of the houses would also be required to provide both bin and bicycle storage areas for the houses. I observed that although a few houses in the area stored bins in the front garden, they were very much in the minority. Thus, even if these were provided within wooden stores, they would be incongruous features in the street scene. Whilst the appellant has suggested that they are located in a discrete position, I consider that their position immediately adjacent to the pavement would make them visually quite a dominant feature.
16. In addition, there is insufficient space for the mid-terrace properties to have their own bin and cycle storage, which instead would have to be provided in front of the adjacent dwelling. This is a far from ideal arrangement which is out of character with the area.
17. The appellant has highlighted that the proposal is providing 6 parking spaces rather than the 4 required, and that if less spaces were provided it would be possible to resolve the concerns in this regard. However, no plans have been provided to show how this might be achieved, and given the limited amount

of space to the front of the houses, I am not persuaded that this could be achieved in a satisfactory manner.

18. All in all, I consider that the proposed development would unacceptably harm the character and appearance of the area. Accordingly, it would be contrary to Policy DC61 of the DPD which, amongst other things, requires that developments maintain, enhance or improve the character and appearance of the area.

Other matters

19. The appellant has highlighted that the Council has in recent years allowed the demolition of a number of other community halls in the vicinity and the redevelopment of the sites for housing. This was despite some of the buildings having tenants and there being strong public opposition to the demolition. However, I do not know the full circumstances that led to any of these proposals being considered acceptable, and so cannot be sure if they represent a direct parallel to the appeal scheme. I have in any case determined the proposal on its own merits.

Planning Balance and Conclusion

20. The council have set out the latest position with regard to a 5 year housing land supply within the borough, how it should be calculated as the Core Strategy is more than 5 years old, and the discussions held at the recent examination into their emerging Local Plan. None of this has been disputed by the appellant.
21. Irrespective of this, the proposal would create 4 additional units of accommodation and so would make a small contribution to housing supply in the area. These would be located in an accessible location. However, it would result in the unnecessary loss of a community facility and would unacceptably harm the character and appearance of the area. Overall, I do not consider that the benefits of the proposal would outweigh the harm I have identified it would cause.
22. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR