



---

## Appeal Decision

Site visit made on 6 February 2019

by **D Child BA BPL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

---

**Appeal Ref: APP/B5480/W/18/3215828**

**Grove Court, Little Gaynes Lane/The Grove, Upminster RM14 2EE/RM14 EF**

- 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 Fixed Return Investments Limited against the decision of the Council of the London Borough of Havering.
  - The application Ref P0325.18, dated 9 February 2018, was refused by notice dated 18 July 2018.
  - The development proposed is an additional floor to both existing buildings to provide 8, 1 bedroom flats with bicycle parking and bin storage and two car parking spaces.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Because the application predated revised versions, some submissions refer to superseded versions of the National Planning Policy Framework. I have had regard to the revised Framework published in 2019 (the Framework) in reaching my decision.

### Main Issues

3. The main issues are the effect of the development upon:
  - The character and appearance of the surrounding area having particular regard to the street scene; and
  - The efficient operation of the highway network near the site having regard to parking provision.

### Reasons

#### *Character and appearance*

4. The site comprises an attractive pair of two-storey circa 1930's apartment blocks with flat roofs and chimneys, located on a corner plot; one fronts Little Gaynes Lane, the other The Grove. To the west adjacent to the site is a bungalow, beyond which lies agricultural land within the designated Green Belt. Although dwellings on the opposite side of The Grove and to the south are of two-storey construction, dwellings on Little Gaynes Lane opposite the site are also bungalows. Together with the flat roof design of the apartments, this gives the street scene around the site a comparatively low-lying feel and creates a strong sense of place. The proposal would add a second floor to both blocks, resulting in development that would have three storeys.

5. The appeal flats are not listed buildings or locally listed, nor is the appeal site within a conservation area. The zinc tile clad second-floor extensions would read as distinct contemporary additions following the finish of other additions in the area, and they would not exceed the height of adjacent two-storey dwellings. Furthermore, I acknowledge that flats with long front elevations are uncommon in the area. Nonetheless, the flats largely retain their original architectural integrity of a well-balanced two-storey design. As such, they make a positive contribution to the street scene and the character and appearance of the area.
6. In line with pre-application comments received and the Councils Residential Design Supplementary Planning Document, the scheme was reduced in width, height and mass, and was set back from the front elevations and set in from the side elevations. Nevertheless, the additional floor created would run almost the full width of both buildings. As a result, the proposal would result in a 'top-heavy' appearance that would detract from the modest scale of the existing apartments. Although contemporary in design and broadly vertically aligned, the height and proportions of the proposed fenestration on the front elevations would jar with that of the original buildings. The additional width, height and mass would have an awkward visual relationship with the adjacent bungalow to the west, dwarfing it in scale. Furthermore, the proposal would appear bulky in relation to the bungalows on the opposite side of Little Gaynes Lane, and it would be unduly dominant in the street scene.
7. For the above reasons, I find that the proposal would result in unacceptable harm to the character and appearance of the surrounding area, having particular regard to the street scene. Accordingly, the development proposed would conflict with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies, Development Plan Document 2008 (the Core Strategy). Amongst other things, this policy requires that development must respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. Although the policy was adopted prior to the publication of the Framework, it is broadly consistent with the policies therein. In accordance with Paragraph 213 of the Framework, I therefore afford it significant weight.

#### *Highway network*

8. The site has a Public Transport Accessibility Level of 1a, and is considered to be sub-urban in character. Therefore, in accordance with Core Strategy Policy DC33, a maximum parking standard of 1 – 1.5 spaces per unit applies. Against this requirement the proposal would incorporate 2 spaces with facilities for the charging of ultra-low emission vehicles and would provide facilities for the secure storage of cycles. With the exception of one existing off-street parking space, existing residents of the apartments park on-street. Additional parking demand generated by the proposal is therefore likely to be met by on-street parking on surrounding streets.
9. However, parking stress tests under the submitted highway statement<sup>1</sup> have not shown any particular concern, and the Council accepts that there is currently no significant pressure upon on-street parking in the area. Other than double yellow-lines, mainly around nearby junctions, no parking controls are in place in the area. On street parking opportunities are therefore available.

---

<sup>1</sup> MLM Consulting Engineers Ltd Ref: TC/618231/LAB Rep: 2016.948, December 2017

10. The proposed units are all one-bed, one-person sized units which are likely to be single occupant flats. The increase in on-street parking demand is unlikely to be significant. I am also mindful that Paragraph 109 of the Framework states that development should only be prevented or refused on highways grounds, if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
11. Although the level of parking provision would be significantly below the requirements of Core Strategy DC33 and Policy 6.13c of The London Plan and conflict with them, I find that the proposal would not have an unacceptable impact upon the efficient operation of the highway network near the site, having regard to parking provision. Because the proposal would not result in residual cumulative impacts that would be severe, planning permission should not be refused on highways grounds.

### **Other Matters**

12. I acknowledge concern that the proposal would harm the living conditions of neighbours having regard to privacy and outlook. However, the Council did not refuse planning permission for this reason. From the plans before me and my visit, where I was able to view adjacent properties from the site's boundaries, I concur with the Council's assessment that the proposal would not result in significant adverse effects on the living conditions of neighbours. I also acknowledge concern that the proposal would harm the adjacent Green Belt. However, the site is not located within it.

### **Planning Balance**

13. The Council does not have a five-year housing land supply and it is common ground that there is a housing need in the area. Against this background, the proposal would add eight, one-bed residential units to the local supply of housing and accord with the general thrust of the Framework to significantly boost the supply of housing. The proposal would also add to the mix and choice of lower cost housing in the area and increase the density through the more effective use of a brownfield site outside of the Green Belt.
14. Furthermore, the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly. There would also be some economic benefits associated with employment during the construction phase, and from the expenditure of future occupants. This would meet the social and economic objectives of the Framework. However, given the relatively small scale of the scheme, cumulatively these benefits would be modest, and I therefore afford them moderate weight.
15. The existing fabric would undergo renovation and hard landscaping around the site would be improved. While this would improve the appearance of the existing apartments and allow for improved access, there is no evidence that this is dependent on the appeal. I therefore give these benefits little weight.
16. I have found that the effect of the proposal upon the efficient operation of the highway network near the site would not be unacceptable and that the residual cumulative impacts on the road network would not be severe. These are neutral factors in the planning balance.

17. On the other hand, in terms of its detailed effects, I have found that the proposal would result in unacceptable harm to the character and appearance of the area having particular regard to the street scene. I attach significant weight to this harm. Because it would not be sympathetic to local character, the proposal would not accord with Paragraph 127 c) of the framework, and it would conflict with Paragraph 127 d) which seeks to ensure that developments maintain a strong sense of place. The proposal would therefore conflict with the environmental objective of the Framework.
18. Paragraph 118 e) of the Framework includes that planning decisions should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. However, for the reasons given above, the development would not be consistent with these caveats. While the appellant refers to support in the Framework for entry-level exception sites, suitable for first time buyers, the proposal is not for an exception site.
19. Drawing all of the above together, on balance the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

20. Although I have found that the proposal would not have an unacceptable impact on the efficient operation of the highway network, I have found that it would result in unacceptable harm to the character and appearance of the area. Material considerations do not outweigh the identified harm and the associated development plan conflict. I therefore conclude that the appeal should be dismissed.

*D Child*

INSPECTOR