



Appeal Decision

Site visit made on 19 November 2019

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/W5780/W/19/3231643
881-883 High Road, Romford RM6 4HR

- 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 Bajwa Property Services Limited against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 1185/19, dated 12 March 2019 was refused by notice dated 7 May 2019.
 - The development proposed is erection of a three storey building comprising a commercial unit (A2) and 3 residential units (3x3 bed). Associated ancillary refuse storage, cycle storage and amenity space.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application form, the decision notice issued by the Council, and the appeal form all describe the appeal proposal as "Erection of a 4-storey building comprising 6 residential units (1x3-bed, 1x2-bed, 2x1-bed, 2xstudio), replacement commercial space and ancillary refuse storage, cycle storage and amenity space". It is clear from the submitted evidence that the scheme was amended during the consideration of the planning application. Both parties agree that the proposal as finally determined by the Council was for the erection of a three storey building comprising a commercial unit (A2) and 3 residential units (3x3 bed) with associated ancillary refuse storage, cycle storage and amenity space. I have therefore used that description for the purposes of the appeal.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring residential property at number 885 High Road; and
 - The effect of the proposed development on the viability and vitality of nearby designated town centres.

Reasons

Character and appearance

4. When read together, Policies 7.4 and 7.6 of the London Plan 2016 expect, among other matters, new development to be of a high standard of design that has regard to its context, particularly in terms of orientation, scale, proportion and mass; and which complements, but does not necessarily replicate, the local architectural character. Policy LP26 of the Redbridge Local Plan 2018 (the Local Plan) similarly seeks to ensure a high quality of design and sets out various criteria against which new development will be assessed. In particular, Policy LP26 seeks to ensure that new development makes a positive architectural and urban design contribution to its context and location and is well integrated with the surrounding area in order to reinforce the positive and distinctive local character.
5. High Road is a busy principal thoroughfare that is both wide and follows a very straight alignment for some distance to the east and west of the appeal site. The area has a mixed commercial and residential character with High Road having a prevalence of commercial uses and mainly residential streets running north from it. The buildings are a mix of ages and designs. Residential buildings in the area are generally two storey, pitched roof terraces, with smaller numbers of semi-detached and detached houses. In addition, close to the appeal site, there are several, more recent, three and four storey blocks of flats. The two blocks that are closest to the site have flat roofs. Immediately to the east of the appeal site is an older terrace of three, two storey, dwellings with hipped roofs. Beyond this terrace are a number of automotive related uses occupying buildings with a more industrial character. On the opposite side of High Road is a small, modern, retail park with low, single storey, buildings backing onto the main road and presenting blank rear facades. Next to the retail park is a short terrace of two storey houses with hipped roofs.
6. The appeal proposal comprises a three storey, flat roofed, block incorporating a small commercial unit at ground floor that would be used as an office. The front façade would be angled and stepped with the commercial unit and parts of the upper floors set forward of the main part of the building. On the front elevation above the commercial unit would be semi-enclosed balconies providing amenity space to the upper floor flats.
7. I have noted from the photographic evidence submitted that the previous ground floor retail/commercial unit attached to the existing building that formerly occupied the site projected beyond the frontages of both the earlier building and the neighbouring properties at 885-889 High Road. From the submitted drawings, the appeal proposal would result in a building closer to the highway than the previous single storey unit and which would be three storeys in height. Whilst there is not a strong or established building line on north side of High Road, the surrounding buildings are set further back from the highway, as are those opposite, which in conjunction with the width and alignment of the highway, creates an appearance of openness on the main road frontage.
8. The flat roofed, three storey, front projection of the appeal proposal would be a prominent feature in the street scene and due to the extent of its projection beyond the adjacent buildings would be very visible given the general openness of the views along High Road. This would be particularly apparent when

looking or approaching the site from the west as it would stand proud of both the existing flats at Mitre Court and the short terrace at 885-889 High Road.

9. Part of the front wall of the new building follows the line of the front elevation of Mitre Court. This latter building is set at an angle to High Road and is located at the junction with Chadwell Avenue. In this location, in combination with the angled façade of Wilnett Court opposite, it assists in visually reinforcing the junction, providing a cue that the side road is there and leading the eye around the corner. The frontage massing of the proposed building would project forward of the line of the façade of Mitre Court, due to following the angle of the adjacent building, and then project further forward towards High Road, running parallel to it. The forward projecting element would have a solid wall at each side and although there would be balconies and a shop front on principal elevation, as these would be parallel to the highway they would only be seen at short range. Taken as a whole, the siting and design of the proposed building would result in an awkward visual relationship between the two elements of the façade and the road which, would diminish the visual cues that the junction is present and, combined with its visual prominence, would not integrate well with its surroundings or reinforce the locally distinct open nature of the main road. As a result, it would be harmful to the character and appearance of the area.
10. It is common ground that a three storey building height is acceptable and given height of adjacent buildings at Mitre Court and Wilnett Court, I would not disagree. However, the flat roofed three storey projection would be a prominent and incongruous feature that would disrupt the visual line and openness of High Road.
11. Although the entrance to the proposed new building would be situated on the side elevation, there is no substantive or compelling evidence that would indicate that this arrangement is inherently unsafe or unsatisfactory. Nevertheless, this does not overcome the other concerns regarding the design of the scheme.
12. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. It would be contrary to Policies 7.4 and 7.6 of the London Plan and Local Plan Policy LP26, which seek to ensure that new development is of a high standard of design that has regard to its context.

Living conditions of neighbouring occupiers

13. It is not in dispute that the proposed development would not result in a loss of light to, or overshadowing of, the neighbouring property at 885 High Street. Whilst there are windows in the side elevation of the proposed new building facing number 885, these are to a stairwell and one bedroom. The latter window would be located behind the rear elevation of the neighbouring house. The windows in the side elevation of number 885 facing the appeal site are to a landing at first floor level and although there is a small ground floor window, from the evidence this is opaque glazed. Consequently, I find that the appeal proposal would not result in a loss of privacy to, or overlooking of, the occupiers of number 885.
14. However, the appeal proposal would result in a three storey flank wall located 2.96m from first floor bedroom window of number 885. Although this would have some decorative brickwork, the front section that would be visible would

be unrelieved by any openings. Part of this wall would be visible from the upper floor window on the front elevation of the neighbouring property and, although it would be an oblique view, it would nonetheless be very apparent. This would affect the outlook from that window, appearing both close and dominant, and would be detrimental to the living conditions of the occupiers. I accept that the window in question serves a bedroom, but it is, nevertheless, a habitable room.

15. The appeal proposal would also result in large, mainly blank, wall proximate to principal door and frontage of house. The previous shop unit occupying the appeal site would have had some enclosing effect but from the photographic evidence this was only single storey. The appeal proposal would project further toward the site frontage than this previous structure and would be three storeys in height. As a result of its height and proximity, it would appear as an oppressive feature at the front of the neighbouring house.
16. I conclude that the proposed development would cause harm to the living conditions of the occupiers of the neighbouring residential property at number 885 High Road. It would not comply with the relevant requirements of Policy LP26 of the Local Plan which expects new development to not result in an adverse impact upon the amenity of neighbouring occupiers in relation to outlook, among other matters.

Effect on nearby designated centres

17. The proposal incorporates a 32m² unit at ground floor level that it is proposed for A2 use. Read together, Policies 2.15, 4.7 and 4.8 of the London Plan and Policies LP9 and LP10 of the Local Plan seek to protect the vitality and viability of town and district centres by focussing commercial development in these locations or edge of centre locations. The policies also expect that proposals for commercial uses outside town centres or district centres should demonstrate that all in-centre, and then all well connected edge of centre, options have been assessed for their availability, suitability and viability.
18. The appeal site is not within a town or district centre as designated by the local plan. During my site visit I was able to visit the closest centres at Chadwell Heath and Goodmayes. Whilst there were some vacant or closed units in each, there was no indication that either centre was in decline or that a single, small, A2 unit outside of these centres would prejudice their operation or functions as district centres. The Council consider that any commercial premises outside of the defined town or district centres undermines the boundaries of these and is harmful to them. However, no substantive evidence has been provided that demonstrates that there are significant numbers of empty units within the existing centres at Chadwell Heath or Goodmayes, or that existing businesses in these centres would be under threat of closure as a result of the appeal proposal.
19. The Council suggest that it is also necessary to consider the potential impact of an A1 use of the proposed ground floor commercial unit. Whilst there are permitted development rights to change an A2 use to A1, this would not become possible until an A2 use had been implemented at the unit. This notwithstanding, there is no substantive evidence before me that would demonstrate that a 32m² A1 unit would have an effect on the vitality and viability of either of the nearby centres.

20. The Council state that an impact assessment and sequential test would be required to assess the effect of the commercial element of the proposal and the suitability of the location. Local Plan Policy LP10 is quite clear that a sequential test and an impact assessment will only be required where the proposed development is over 2,500m². At 32m² the appeal proposal falls well below this threshold. Although there is little evidence that alternative sites were considered for the proposed commercial element of the scheme, this must be weighed against the lack of evidence that the proposal would cause actual harm to the existing nearby centres.
21. I therefore conclude that the proposed development would not cause harm to the viability and vitality of nearby designated town centres. It would not conflict with the relevant requirements of Policies 2.15, 4.7 and 4.8 of the London Plan and Policies LP9 and LP10 of the Local Plan.

Other matters

22. The appellant submitted a completed Unilateral Obligation (UU) with the appeal that seeks to make the development car free by restricting occupation of the proposed development until notice has been given to prospective occupiers that the development is a parking permit free development and occupiers would not be entitled to apply for a parking permit. The evidence that has been provided to me indicates that the demand for on-street car parking would, if not controlled, exceed the supply. There are parking restrictions in the form of single yellow lines on High Road, but no restrictions on Chadwell Avenue. At the time of my site visit the available on street parking on Chadwell Avenue was very well used with only one or two spaces available. I also saw that opportunities for on-street parking on Chadwell Avenue are constrained by driveway accesses to houses on this street. Whilst I recognise this is only representative of the time of my visit, it is likely that demand would be higher in the evenings and at weekends than during a typical weekday afternoon.
23. Whilst it is proposed that the development be car free and the proximity to shops, services, and public transport means that future occupiers may not be dependent on private cars to meet their day to day requirements, car usage and car ownership are not necessarily the same. Occupiers may own a car even if it is not used daily and wish to park it in the vicinity. This would have the effect of increasing parking demand in an area where on-street parking is in short supply. The submitted UU seeks to prevent occupiers from applying for car parking permits. This approach is only effective where there is a Controlled Parking Zone (CPZ) that requires residents to obtain a permit to park in the area. There is no CPZ operating in the vicinity and whilst the UU may be effective if a CPZ were to be designated at a future date, there is no evidence before me that this is either imminent or intended. The UU at present would not ensure that the development is car free and can be given little weight at this time. Whilst the Council have not cited this as a reason for refusal, it adds to my concerns regarding the proposal.
24. The appellant has referred to the Housing Delivery Test and the presumption on favour of sustainable development set out in Paragraph 11 of the National Planning Policy Framework (the Framework). It is not argued that the Council cannot demonstrate a deliverable five year housing land supply or that the policies that are most relevant to the determination of the application are out

of date. The most recent Housing Delivery Test results¹ indicate that housing delivery in the Borough is 60% of the Council's target. Whilst this is below the 75% sought by the Framework, the transitional arrangements in Paragraph 215 are still in place which currently set a threshold of 45% before footnote 7 to Paragraph 11 is engaged. At the time that the appeal was lodged, delivery was 38% of the housing target and the relevant threshold 25%. Neither result would have triggered Footnote 7 and, consequently, Paragraph 11 (d) of the Framework is not applicable to this proposal and it falls to be considered on its conformity with the development plan.

25. This notwithstanding, the proposal would lead to an increase in family sized accommodation providing three, 3 bedroom, flats. In view of the shortfall in delivery this weighs moderately in favour of the proposal. Other benefits identified by the appellant, including the provision of high quality accommodation, whilst they meet policy expectations, are not public benefits as such. The previous building had been demolished and the site was hoarded off at the time of my site visit. Whilst the evidence suggests that there were previously incidents of antisocial behaviour and unlawful occupation of the previous building, these appear to be related to the management of the previous building when it was vacant. Consequently, little weight can be given to these other points.

Conclusion

26. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposed development would cause harm to the character and appearance of the area and to the living conditions of the occupiers of the neighbouring property. As such it would conflict with the relevant requirements of Policies 7.4 and 7.6 of the London Plan and Local Plan Policy LP26. These are, to my mind, important matters that weigh heavily against the proposal. Although I have found that there would be no harm caused to nearby local centres this does not outweigh the other conflict with the development plan. The proposal would result in a small increase in the housing stock and the Framework seeks to significantly increase the supply of housing. However, whilst this can be given moderate weight, increasing the supply of housing is not an objective to be pursued at any cost and the small increase resulting from an additional three units would not, on its own, justify granting planning permission.
27. No other material considerations have been identified that would indicate planning permission should be granted for a development which does not comply with relevant policies in the development plan.
28. For the above reasons I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

¹ Published 13 February 2020