
Appeal Decision

Site visit made on 21 July 2020

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/B5480/W/19/3243381

Durham Arms, Brentwood Road, Romford RM1 2EH

- 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 Capital Franchise Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref P1758.18, dated 1 October 2018, was refused by notice dated 21 June 2019.
 - The development proposed is the change of use of ground floor from A4 to A3, erection of two storey rear and side extensions to create 1x1 bed and 2x2 bed residential units with associated amenity spaces. The development involves partial demolition of the existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Development Plan consists of the adopted London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (the Local Plan) and the London Plan 2016.
3. The main parties mention the emerging policies of Havering Local Plan 2016-31 (the emerging Local Plan), which is currently at examination stage and subject to consultation on its main modifications. Although at an advanced stage of preparation and capable of being given greater weighting in line with paragraph 213 of the National Planning Policy Framework (the Framework), the Council expressly states the proposal was not assessed against the emerging Local Plan and is therefore not referred to in the Council's reasons for refusal. In this regard, notwithstanding its stage of preparation, I have determined the appeal on the basis of the policies within the adopted Development Plan.

Main Issues

4. The main issues for the appeal are the effect of the development upon:
 - the significance of a non-designated heritage asset
 - the character and appearance of the area
 - highway safety
 - the provision of local education infrastructure; and

- the living conditions of neighbouring occupiers with particular regard to odour, noise and disturbance.

Reasons

Significance of the non-designated heritage asset

5. The Durham Arms is locally listed for its architectural and historical interest being an example of a Victorian public house. Although it has been subject to alteration and extension, the building's architectural features, such as the parapet roof form and string course detailing, are clearly visible. It remains a prominent and imposing building in the area, an identifying local landmark reflective of its historical significance as a social hub.
6. Paragraph 197 of the Framework sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
7. The proposal would see the front elevation largely retained, save for demolition of the single storey elements. A proportion of the eastern elevation would be retained, with demolition of two storey elements taking place. The proposed extension would form new west, rear and east elevations to the building, taking a contemporary design approach at the same height as the remaining sections of the Durham Arms.
8. The proposed remodelling would significantly change the appearance of the building and how it is viewed in the public realm, including the removal of features of architectural interest. The result would be that the remaining facades of the Durham Arms would appear as a corner piece in a residential development rather than being the principal building and focal point in the locality. The development would be of such a scale as to overwhelm the retained elements of the Durham Arms and would therefore reduce its importance and presence in the street scene. This, coupled with the loss of architectural elements from the rear of the building, would be harmful to its historic and architectural significance.
9. Balanced against this harm would be that the scheme would provide a number of benefits. From my site visit, it appeared that the majority of commercial units in the area consist of fast-food take-a-ways with only a few independent retailers nearby. The introduction of a sit-in restaurant would add to the diversity of services on offer in the area and would contribute to the vitality and vibrancy of the area, particularly when making effective reuse of previously developed land.
10. The proposal would boost housing supply, stock and choice in the local area which would in turn support the local economy. However, the floor plans indicate there are two dwellings in the public house at present, one being a four-bed unit and the other a separate flat. Therefore, there would only be a net gain on one additional dwelling via the proposals, thus limiting the weight to be had to any benefits arising from residential development.

11. Given the prominent position, form and features of the Durham Arms, I attach great weight to its significance and the desirability of preserving it. I acknowledge that the proposal would be supportive of the objectives of the Framework in securing a long-term viable future for the property which is currently vacant and in disrepair, as well as providing both economic and social benefits to the local community. However, I consider that the harm caused through demolition, and the scale of the extensions proposed, would not be consistent with its conservation and consequently would outweigh the benefits and result in an unacceptable loss of historic and architectural significance.
12. The proposal therefore conflicts with policy DC67 of the Local Plan and the London Borough of Havering Heritage Supplementary Planning Document Adopted April 2011, which seek to ensure developments do not adversely affect listed buildings or their settings.

Character and Appearance of the area

13. The area consists predominantly of two storey properties although there are notable three storey buildings in close proximity to the appeal site. Buildings generally have pitched or hipped roofs, with the Durham Arms being the only notable parapet roof building in the area. Commercial premises typically have large display windows at ground floor with fenestration of a more domestic and rhythmic pattern for the first-floor level.
14. In contrast, the proposed development would incorporate a multitude of large windows and expanses of blank featureless brick wall underneath a broad expanse of flat roof. Although designed contemporarily to mark a distinction between the new development and the original core of the Durham Arms, the building fails to respect the general design aesthetic of the locality. It would be a bulky and visually intrusive feature on a prominent corner plot in both the Albert Road and Brentwood Road street scenes, detrimental to the appearance of the appeal site and the surroundings.
15. The proposed western elevation would be in close proximity to the boundary shared with No 99 Brentwood Road, with the maximum roof height offset for a partial distance because of a communal garden at first floor level. Despite the offset, the proposal would result in a large, continuous wall facing down into the garden of No 99. Whilst that neighbouring property may have outbuildings in its rear garden, these are low level structures over which the development would clearly be seen. The development would be dominant and visually intrusive to the rear garden setting of No 99.
16. The proposal therefore conflicts with policy DC61 of the Local Plan, which seeks developments that maintain, enhance or improve the character and appearance of the local area.

Highway safety

17. The wider area has a Public Transport Accessibility Levels (PTAL) rating of 4, which means there is reasonable access to public transportation. Indeed, the site is within walking distance to Romford Train Station and I noted a regular bus service running along Brentwood Road. In view of this, the proposal is for 6no on-site parking spaces to be available for the restaurant use and a car-free residential development.

18. Policy DC33 of the Local Plan sets out a maximum requirement for 8 parking spaces for the development, derived from the amount of restaurant floor space. The proposal incorporates a total of 6 car parking spaces on the forecourt, whilst providing a modest amount of cycle spaces.
19. However, the restaurant would have 130 seats (36 covers) and up to 10 staff working on-site. The residential element would provide accommodation for up to 9 people that, whilst only a small increase on the number of persons able to be accommodated on site at present, when put in combination with the restaurant use, would be a significant intensification in the use of the land. In light of this increase in activity on the appeal site, it would be impractical to expect all customers, staff and residents to be arriving using public transportation, walking or cycling.
20. I noted a number of car parking restrictions in the locality with the majority of bays in the area reserved for those with residents permits, with a lesser number of publicly available pay and display car parking bays. The transport statement submitted with the application confirms my findings that these restrictions relax after 1830 hours, allowing public parking.
21. The restaurant use would be available from 0700 to 0100 hours Monday to Saturday and 0700 to 2300 on Sundays. Whilst I accept that customers attending in the evening would have a greater flexibility in where they park their cars, the increased demand for off-street parking during the daytime, particularly at weekends, would unlikely be met. This would result in cars performing many manoeuvres around the area or waiting within the carriageway in the vicinity of the appeal site as customers search for a space, disrupting the flow of traffic on the highway.
22. I acknowledge that the existing use of the building, when operational, would be presented with the same parking concerns. However, the restaurant use would likely be attractive destination to a wider customer base beyond the immediate local area and thus would draw in people for whom walking and cycling would not be a viable means of transport. This would disrupt the flow of traffic and would cause a hazard to highway safety.
23. In addition, the transport statement suggests that whilst no off-street parking is available for proposed residents, if cars associated with that residential use were parked in the local area at night, they would go unnoticed. Whilst this may be the case, there is no indication of what would happen to those cars in the daytime nor if prospective residents would be required to apply for a permit to park.
24. It would be unreasonable to condition occupation of the proposed dwellings to prevent them owning or accessing a motorised vehicle, albeit residents would likely be aware of the restrictions when purchasing accommodation. Nonetheless, the proposal does not demonstrate that secure parking provision is available for residents in the surrounding area should it be required.
25. I conclude there would be harm to highway safety arising from the development because of the lack of sufficient and secured parking provision. This would be contrary to policies DC32 and DC33 of the Local Plan that require new development not to have an adverse impact on the functioning of the road hierarchy.

The provision of local infrastructure

26. The Council's Planning Obligations Supplementary Planning Document requires a payment of £6,000 per dwelling contribution towards education facilities, regardless of the scale of a residential development. This is a locally set requirement that is designed to mitigate the effects of development upon the ability to provide sufficient education infrastructure.
27. In this instance the one additional dwelling on site would trigger that payment requirement, since the tariff applies to new development rather than reuse or reconfiguration of existing accommodation.
28. No obligation has been submitted to accompany the appeal to secure the necessary contribution. There is no evidence before me that any negotiation on the contribution has been undertaken. Since I am dismissing on other grounds, I have not needed to pursue the main parties for the provision or completion of any such obligation.

Living conditions of nearby occupiers

29. The proposed restaurant would be open to customers until 0100 hours Monday to Saturday, and up until 2300 hours on Sundays and Bank Holidays. The preparation of food would take place in an extended basement area whilst a bar and BBQ area would occupy space at ground floor level.
30. The public house, when in active use, would likely generate a level of noise in the evening hours through music and general customer movements. It would, as part of the hospitality, be able to provide hot food as well as drink to customers. To this extent the potential for noise, odour and disturbance from the restaurant use may be equivalent or potentially less than that of the public house use since the main purpose of customers on site is to eat, rather than drink and be entertained. Means of odour control could be resolved via the imposition of a suitable planning condition and use of environmental regulation.
31. I noted that there were numerous fast food chains in the locality and therefore there is likely to be some noise and disturbance already in the area. It is my view that the proposal would not unduly increase or exacerbate this to any harmful degree.
32. The proposal therefore would not cause harm to the living conditions of nearby occupiers by way of noise, odour or disturbance. It would comply with policies DC55 and DC61 of the Local Plan, which seek to ensure proposals do not have adverse effects on the environment.

Other Matters

33. I acknowledge that the scheme represents a revised approach following an earlier refused application. Nonetheless, I have found the current proposal to have conflict with the Development Plan and to cause unacceptable impacts.
34. In support of the appeal, my attention was drawn to other cases that had been extended or developed in a similar manner to the proposal. However, these examples and the appeal site are in different circumstances and so therefore do

not represent a direct parallel to each other. In any case I have determined the appeal on its own merits.

Planning Balance

35. The main parties are in agreement that, at this time, there is no five-year housing land supply in the Borough when assessed against the Housing Delivery Test. In such circumstances paragraph 11(d)(ii) of the Framework is engaged and, as such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
36. The proposal supports economic growth and promotes the reuse of previously developed land, in an area that has reasonable accessibility to shops, services and public transport. It would contribute to the boosting the diversity of choice in the local housing market and would support the vitality of the local area. The use of the parapet roof to harness solar energy is also a benefit in seeking to meet the proposal's energy demands in an environmental way.
37. However, the development would result in a poor design that fails to take opportunities for improving the character and quality of the area and would cause unacceptable impacts on highway safety. The scale of the harm to the significance of the non-designated heritage asset also weighs heavily against the proposal, failing to make optimal viable use of the land.
38. On this basis I conclude the adverse impacts of the development would significantly and demonstrably outweigh the benefits, contrary to the Framework and to policies of the adopted Development Plan.

Conclusion

39. For the reasons given above, I dismiss the appeal.

David Wallis

INSPECTOR