
Appeal Decision

Site visit made on 5 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020.

Appeal Ref: APP/B5480/D/20/3254004

9 Convent Close, Upminster RM14 2FA

- 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 JP Filler against the decision of the Council of the London Borough of Havering.
 - The application Ref P0205.20, dated 6 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is double storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the shortened version of the description of development, as shown in the decision notice for the purposes of clarity.

Main Issues

3. The main issues are:
 - The effect of the proposals on the character and appearance of the area, and
 - The effect of the proposals on the setting of the adjacent listed building.

Reasons

The Effect on Character and Appearance

4. Convent Close is a small residential cul-de-sac set within a gated development of two detached houses, together with the redevelopment of a former convent (Convent Heart of the Sacred Mary) to residential apartments. The former convent building is Grade II listed.
 5. The houses and former convent building are separated by formal communal gardens, where the rear of the former convent building faces the principal elevations of the two houses. To the west is the Sacred Heart of Mary Girls' school, and some of the (more modern) school buildings are visible over the fence which separates it from the appeal site.
 6. The development itself has a character of its own, separate to its wider surroundings and it is this distinctive character and high degree of self-containment makes it somewhat unique within the wider area.
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7. The two new houses to the rear are identical, offering a pleasant symmetry in their design. They reflect a number of prominent features of the rear elevation of the former convent building, which itself is elaborately detailed. These features include red brick, the use of decorative parapet wall detailing, stone quoins, tiled roofs and single-light casement windows.
8. Policies DC61 (Urban Design) of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008) (DPD) seeks development that maintains, enhances or improves the character and appearance of the local area. Policy 7.4 (Local Character) of the London Plan (2016) (LP) supports high quality design that respects the surrounding form, function, scale, mass and orientation of surrounding buildings and wider area.
9. Further, the London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document (SPD) (2011) provides guidance on side extensions, which, at paragraph 6.3 states that '*Side extensions to detached houses may be constructed to the full height of the existing building, provided they appear as an integral part of the original house rather than an unrelated addition*'.
10. I note that the appeal proposals are designed to reflect, as far as possible, the vernacular of the host dwelling, with matching materials and detailing. The appeal proposals also include some subservience in the design with a reduced ridge height (below that of the host dwelling) as well as being slightly set back from the principal elevation.
11. The appellant has pointed out that the former convent building itself is not symmetrical in its design. That said, I consider the two new dwellings positively contribute to the character of the immediate surroundings as they are, and that the proposals would still represent a noticeably substantial addition to the host dwelling. Because of its scale, I consider would result in an imbalance in the appearance of the host dwelling. I consider this degree of imbalance would be harmful to the character of the overall development within which it sits, contrary to policy DC61 of the DPD and 7.4 of the LP, as well as the relevant parts of the Residential Design SPD.

The Effect on the Setting of the Listed Building

12. Paragraphs 193 and 194 of the National Planning Policy Framework (Framework) require that any harm to the significance of a heritage asset (through development of the asset itself or its harm resulting from development within its setting) requires that great weight should be given to its conservation, as well as a convincing justification for such development. Further, at paragraph 196, development that leads to less than substantial harm to the significance of a designated heritage asset, should be weighed against the public benefits of the proposal.
13. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. Further, paragraph 196 of the Framework, states that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.
14. Policy DC67 (Buildings of Heritage Interest) of the DPD seeks development that does not adversely affect a Listed Building or its setting.

15. The council make reference to their Heritage Supplementary Planning Document (SPD) (2011) which, in the glossary, defines the setting of a heritage asset as *'The area surrounding a heritage asset, which may be enhanced or diminished by its elements and within which activity or development may affect the asset's significance or its appreciation'*.
16. Much of the significance of the former convent appears to be largely related to its elaborate and rich design, which appears to include some features of the Gothic Revival typical of the late 1800s.
17. The two new houses in my view make a positive contribution to the setting of the convent building, as they have clearly been designed with some care.
18. I consider the proposals would create significant imbalance to the host dwelling as well as creating an imbalance between the two houses and I find harm to the setting of the listed building as a result, albeit this would be less than substantial (lower end).
19. In light of there being no 'public benefit' associated with the proposed extension, I do not consider the harm I have identified to be outweighed, contrary to Policy DC67 of the DPD, policy 7.4 of the LP and the relevant parts of the Framework.

Conclusions

20. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR