



Appeal Decision

Site Visit made on 19 January 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/B5480/W/20/3262010

1 Cromer Road, Hornchurch, RM11 1EY

- 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 Whitepost Estates Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref P0790.20, dated 26 May 2020, was refused by notice dated 18 August 2020.
 - The development proposed is alteration and extension of 1 Cromer Road to create 2 x flats (comprising 1 x 2bed and 1 x 1bed), and demolition of existing adjacent garages to create 2 x two storey residential dwellings (comprising 1 x 2bed and 1 x 1bed).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the Langtons Conservation Area;
 - the living conditions of existing occupiers, in respect of outlook; and
 - the living conditions of future occupiers, in respect of amenity space and internal space standards.

Reasons

Character and appearance

3. The site is located within the Langtons Conservation Area (CA), with Langtons House and Gardens at its core, with Langtons being a fragment of the former 18th Century estate which extended to the High Street. Its significance is derived from the ceremonial and recreational buildings located within a green setting.
4. Cromer Road, and the appeal site is identified within the Langtons Conservation Area Appraisal as making a neutral contribution to the significance of the CA and is located on its boundary. The existing garage block is not identified within the appraisal, however given its modest scale its presence is not visually dominant and also makes a neutral contribution.
5. The residential development which has been included within the boundary of the CA is characterised by semi-detached dwellings within narrow plots of varying depths, with those within Billet Lane being particularly shallow. However, the dwellings within Cromer Road and Emerson Drive benefit from much deeper gardens. As a group of buildings they provide a buffer between

- the CA and the areas beyond its boundary and as such provide a contribution to the character, appearance and significance of the CA as a whole.
6. The existing garage block occupies a shallow plot which abuts the garden of the properties fronting Billet Lane. The proposed dwellings would be built on the rear boundary of the site, with the only spacing being provided to the front and the gardens being located to the rear of 1 Cromer Road. This leads to a cramped form of development, incongruous to the rectangular plan form and disrupting the defined rhythm of development.
 7. The design of the proposed dwellings has taken its cue from the original detailing of the dwellings within Cromer Road. The use of gable fronted projections and the width of the glazing within the front elevation which matches the existing style of fenestration and these details go some way to tie the proposal into the original architecture of this part of the CA. However, the overall form of the proposal, which is wider than the existing semi-detached pairs and includes an element of set back at ground floor to provide parking within the frontage, fails to successfully reflect the scale and proportions of the original buildings which form this part of the CA.
 8. The existing development of Eleanor Court, which is opposite the site is a 3 storey building which is prominent in its position on the corner of Billet Lane and Cromer Road and it has been put to me that this provides a precedent for the scale of development proposed. However, this building is outside of the CA and as a corner plot it has differing design requirements with the need to address both Cromer Road and Billet Lane. Therefore, it is not directly comparable to the appeal site.
 9. The scheme includes external alterations to 1 Cromer Road, including the introduction of a side dormer and external staircase to provide access to the first floor flat. The introduction of a side dormer as proposed would alter the character of the existing roofline. Whilst the height of the dormer roof would be below the ridge height of the main hipped roof and therefore subservient to it, it would be visible from within Cromer Road and appear as a prominent and inappropriate feature within the street-scene.
 10. I have had regard to the other dormer windows which are visible within Cromer Road. However, these examples confirm that such dormer extensions can be detrimental to the character and appearance of an area and therefore should not be used as a reason to allow a similar development such as that before me.
 11. The introduction of an external staircase and external entrance to the proposed first floor flat would be both visible and intrusive when viewed from within Cromer Road. It would be incongruous within the wider streetscape, leading to an unbalancing of the semi-detached pair and would be a visible cue that the property had been subdivided. The combination of external alterations to the dwelling result in harm to its contribution to the CA. It would detract from the intrinsic value which is gained from the existing grouping of the semi-detached dwellings, which are identified as forming part of the character of the CA.
 12. The proposed development would result in a cramped form of development and result in incongruous additions to the existing dwelling. Therefore, the development as a whole would fail to preserve or enhance the CA and would further erode its historical context and have an adverse impact on its significance. However, noting that the character of the CA is broadly derived

from the wider landscape and historical buildings beyond the appeal site, I consider that the proposed development would result in less than substantial harm to the CA.

13. Paragraph 196 of the Framework states that such harm should be weighed against any public benefits of the proposal. The proposal would give rise to some modest economic benefits during the construction phase and the dwellings would provide minor support to the Council's housing supply. There would also be some environmental benefits arising from the proposed landscaping. As the existing garages are not identified within the Conservation Area Appraisal as a negative contributor to the CA, their redevelopment is a neutral consideration that does not weigh either for or against the scheme.
14. However, these modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would, therefore, fail to preserve or enhance the Conservation Area, and thereby the significance of, the designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
15. I conclude that the development proposed would fail to preserve or enhance the character or appearance of the Langtons Conservation Area. This would be contrary to policies DC61 and DC68 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) which seeks to maintain, preserve or enhance or improve the character and appearance of the local area and Conservation Areas.
16. Whilst recognising that policy D3 of the London Plan (LP) seeks to optimise site capacity, it also states that the form and layout of development should enhance local context by positively responding to local distinctiveness with regard to building types, forms and proportions. Therefore, for the reasons I have identified above the development would also fail to accord with policy D3 of the LP.

Living Conditions – Existing Occupiers

17. The rear boundary of the appeal site runs parallel to the boundary of the properties in Billet Lane, which appear to be divided into flats with amenity space located to the rear. The amenity space is currently bordered by the existing single storey garages, which because of their scale are not detrimental to the enjoyment of this area.
18. It is not a matter of dispute between the parties that the proposal would not result in any overlooking and there would be no unacceptable impact in terms of daylight and sunlight. However, the proposed dwellings would be built on the rear boundary of the site and would result in the enclosure of the side boundaries of, in particular, 129-131 Billet Lane with the rear elevation of the proposed dwellings running parallel with the boundary of the amenity space of these flats.
19. Having regard to the proximity of the development and its overall scale, I find that the proposal would have an overbearing impact on the amenity space immediately to the rear and would result in an unsatisfactory relationship and in my view would be harmful to the living conditions of nos 129-131 Billet

Lane. This would fail to accord with the Residential Design Supplementary Planning Document (SPD) which states that new development should be sited and designed such that there is no detriment to existing residential amenity through dominance.

20. I therefore conclude that the appeal scheme would harm the living conditions of the occupants of nearby properties, in respect of outlook. Therefore, in this regard the proposal would be contrary to policy DC61 of the DPD which states proposals will not be granted planning permission where they result in unacceptable effects on the existing properties.

Living Conditions – Future Occupiers

21. The proposed amenity space is located to the rear of 1 Cromer Road and is subdivided into 4 separate areas. The amenity space for Flat 1 is provided directly adjacent to the flat and adequate access would be possible through an external door from the living room and this would be a functional space appropriate for future occupiers of Flat 1.
22. However, the amenity space provided for the remaining units would not be as appropriate in terms of ease of access. In order to access the spaces occupiers of the dwellings would need to come out of their front door, walk around the building and pass along the side of the proposed flats. This would be a less convenient route that would seriously diminish the likelihood that future occupants of the dwellings and first floor flat would use the amenity space. This would fail to accord with the SPD which states that the fundamental design considerations for amenity space should be its quality and usability.
23. In addition, the introduction of multiple areas of enclosure in order to subdivide the existing area would also create spaces that were unattractive and less inviting for future users, and contrary to the general pattern of development within Cromer Road with long open gardens. This in combination with the lack of direct and convenient access to outside amenity space would harm the living conditions of the occupants of the proposed dwellings and first floor flat.
24. I have had regard to the suggestion that the amenity space provided could be arranged in an alternative manner in order to provide a communal garden and that this could be dealt with by means of a condition. However, I have not considered this as part of this appeal as I consider that this change would materially alter the nature of the application and would prejudice the interests of interested parties.¹
25. Policy D6 of the LP requires development to be of a high quality design and provide adequately sized rooms in accordance with the minimum internal floor areas and storage. The appellants evidence demonstrates that the proposed internal space for the dwellings, including the headroom requirements for the bedroom of the proposed first floor flat, would exceed the minimum requirements and therefore the development would comply with policy D6 of the LP in this regard.
26. In conclusion, the development fails to provide acceptable living conditions for future occupiers of the first floor flat and proposed dwellings, with particular

¹ Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

reference to amenity space. It would therefore be contrary, in this regard, to Policy D6 of the LP which requires private amenity space to be practical in terms of its shape and utility. It would also fail to accord with policy DC61 of the DPD which requires development to create easily accessible private realms.

Other Matters

27. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Havering has delivered 36% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. As this was also the outcome of the 2019 HDT results I have not sought further views from the parties on this matter.
28. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to designated heritage assets. Given my findings in relation to the Langtons Conservation Area there is a clear reason for refusing the development proposed and I am not required to apply the tilted balance in this respect.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR