



Appeal Decision

Site Visit made on 8 June 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/B5480/W/20/3263302

180-182 Exchange House, St Marys Lane, Upminster, RM14 3BT

- 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 Exchange Property Limited against the decision of London Borough of Havering.
 - The application Ref P1044.20, dated 21 July 2020, was refused by notice dated 15 October 2020.
 - The development proposed is a conversion of an existing office building to residential dwellings of 7 no. 2 bedroom flats and 1 no. 1 bedroom flat, storage spaces for flats at basement level. Alterations to the fenestration at front and rear of property, demolition and insertion of new floor plates and hard and soft landscaping works at the front and rear of property to accommodate parking, cycle stores and bin stores. Demolition of rear ground floor extension and garage structure at the rear of the garden. New infill extension to rear of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged The London Plan -2021- (The New London Plan) has been published by the Mayor of London and is now part of the development plan. The policies within The London Plan -2016- are therefore no longer extant. The parties have had an opportunity to comment on The New London Plan in relation to the case during the appeal process.
3. I have taken this into account in my determination of the appeal. In so doing, I am satisfied that the appellant has had the opportunity to consider the provisions of The New London Plan and no-one's case is prejudiced by my taking them into account.
4. The London Borough of Havering Local Plan 2016-2031 (the Draft Local Plan) is under preparation but has yet to be found sound and adopted. It therefore carries limited weight as a material consideration.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the site, which is a non-designated heritage asset, and the surrounding area.

Reasons

6. The appeal site (Exchange House) is a three storey building with a basement, fronting onto St Marys Lane. In the vicinity of the site St Marys Lane is predominated by shop units, often with living accommodation above. The

upper frontages are mainly of traditional design, whilst the shop frontages have a more modern appearance. Exchange House lies in a terrace between one of these retail frontages and a four storey residential block. Although the shop frontages in the area are predominantly two-storeys in height, the commercial building adjacent to the site is three storeys. The site does not lie within a conservation area.

7. Exchange House was originally built as a telephone exchange and the lower floors have generous ceiling heights. This results in the building being taller, overall, than those to either side, notwithstanding any difference in the number of storeys. This provides a degree of prominence in the street scene.
8. Whilst the building itself is more modern, it retains an external appearance reflective the more traditional architecture nearby in the retail frontages and design fashion at the time of its construction. The front façade incorporates an arched pedestrian entrance on one side with a decorative fanlight, balanced by an arched carriage entrance on the other.
9. At some stage the windows on the lower floors have been replaced. Whilst forecourt parking detracts from the appearance of the site, this is not a structural feature and could be controlled by physical means. Further, I note that there are no formal dropped kerbs on the frontage to allow access to such parking, other than by use of the existing vehicular access. Nevertheless, the front façade retains many of its original features and, overall, the positioning and proportions of openings, traditional design detailing result in an imposing building with a pleasing, traditional appearance whose position and scale contribute positively to the street scene.
10. The building does not appear on the Council's Heritage Asset Register. However, whilst the Planning Policy Guidance -2019- (PPG) recognises the importance of clearly identifying non-designated heritage assets, and the benefits of a local planning authorities keeping a local list of non-designated heritage assets, it further advises that, in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications¹.
11. I therefore conclude that the building has been justifiably identified by the Council as a non-designated heritage asset and its prominence in the street scene together with its authenticity makes a significant positive contribution to the character and appearance of the area.
12. The proposal would convert the building to residential use, providing eight units. The arrangement of floors within the building would be altered to provide an additional floor. Whilst some of the important original architectural features would be retained, the existing pedestrian entrance would be replaced with a window. Albeit that the fanlight would be retained, the proposed window would be an incongruous feature within the arch. All of the existing windows would be replaced, altering their proportion and squaring off the tops of the upper floor windows. A new pedestrian entrance would be formed towards the centre of the building.
13. At the rear of the building a metal fire escape and a non-original extension would be removed. A new infill extension would be added and the rear parking

¹ PPG Ref ID: 18a-040-20190723

- court would be landscaped. To the front, the forecourt would be landscaped, which would curtail opportunities for forecourt parking. There would thus be some benefits to the street scene and the appearance of the rear of the building.
14. Further, the introduction of a fourth floor and the resultant amendments to the fenestration, would not, of itself, be out of keeping with the scale and massing of the building, particularly when viewed from the rear.
 15. However, the proposal would fundamentally alter the fenestration and accesses, and thus the appearance of the street-facing frontage of the building, which I have identified as making a significant positive contribution to the street scene. In so doing it would undermine the significance of the non-designated heritage asset. In this instance the changes, given their degree and impact upon such a visually prominent building in the area would constitute significant harm.
 16. My attention has been drawn to two historic applications² which allowed the replacement of the building and alterations to the front façade. However these permissions were granted some considerable time ago and planning policy has changed, at both local and national levels, in the interim. I therefore place very limited weight upon these historic permissions.
 17. I note that the appellants sought pre-application advice from the Council and that certain aspects of the proposal were supported within that advice. I also note that, at that time, although the Council identified that the building had a characterful design, it was not specifically identified as non-designated heritage asset. However, such advice is not binding on the Council in reaching its decision in regard to the overall merits of the proposal.
 18. I note that the appellant has proposed that, should the appeal be allowed, some features could be retained by the imposition of a planning condition. However, I do not consider that the retention of these would address the fundamental changes proposed to the front façade of the building that would result in the harm identified.
 19. I therefore find that the proposal would harm the character and appearance of the site, which is a non-designated heritage asset, and the surrounding area. It is thus contrary to Policies CP18 and DC67 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document – 2008- (the DPD) and Policy HC1 of the New London Plan, in as much as these require, amongst other things, that new development affecting buildings of special architectural or historical importance must preserve or enhance their character or appearance.
 20. Whilst predating the current National Planning Policy Framework -2019- (the Framework), these policies are broadly in conformity with the aims of Sections 12 and 16, with which the proposal would also be in conflict, and therefore carry significant weight.

² Council Refs: GD/HAV/1A/65 and P1606.86

Other Matters

21. There is no dispute between the parties that the Council is unable to demonstrate a five year supply of housing land and that, therefore, Paragraph 11 d) of the Framework is engaged.
22. The proposal would provide benefits in terms of delivering eight additional homes to boost housing supply and the Government is seeking to significantly boost the supply of homes. Although, for the reasons given above, carrying limited weight, this is reflected in the emerging Draft Local Plan. However, I note that an existing prior approval³ would allow the creation of six new dwellings. The proposal would re-use previously developed land and would preserve some of the original features of the building. The proposal is situated in a relatively accessible location and future occupiers would not rely solely on the use of the private car to satisfy their transport needs. There is no dispute between the parties that the level of accommodation provided is of an acceptable quality and would provide suitable levels of amenity for future occupiers. There would be benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses. Taken together, and given the scale of the development, these benefits carry limited weight.
23. I have found that the development would result in material harm to the character and appearance of the site, which is a non-designated heritage asset, and the surrounding area contrary to policies within the DPD and The New London Plan. However, the DPD was adopted prior to the publication of the Framework. I consider these policies are broadly consistent with the Framework in seeking to achieve well-designed places and conserve and enhance the historic environment, and that they attract significant weight.
24. In conclusion the identified harm would significantly and demonstrably outweigh the limited benefits provided by the scheme when considered against development plan policies and the Framework when read as a whole.
25. I have explained above why I consider that the proposal would have a harmful effect on the character and appearance of the site and the immediate area. The building affected is a non-designated heritage asset and the level of harm is significant, given the prominence and contribution of the building in the street scene. Paragraph 197 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that 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.
26. Taken overall the benefits accruing from the proposal are limited and do not outweigh the harm that I have found to the site and the area, with particular regard to its historic significance and so do not justify allowing the appeal contrary to the provisions of the development plan and the Framework when read as a whole.

³ Council Ref: J0005.17

27. I note that the Council's Planning Case Officer did not visit the site, due to operational contingencies resulting from the Covid pandemic. However, this matter lies beyond the remit of this appeal.

Conclusion

28. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I Dyer

INSPECTOR