



Appeal Decision

Site Visit made on 24 August 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/B5480/W/20/3265503

Assembly Rooms, St. Lawrence Road, Upminster RM14 2UW

- 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 Vince Sammon against the decision of London Borough of Havering.
 - The application Ref P1304.19, dated 16 August 2019, was refused by notice dated 27 November 2020.
 - The development proposed is the demolition of the existing structure on site and construction of a pair of dwellings with communal amenity space, associated car parking, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.
3. After the determination of the planning application, the London Plan (2021) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.
4. The description of the development was amended during the course of the planning application process from 'demolition of existing structure on site and construction of a two-storey residential building with roof level accommodation to create three 1 bedroom apartments with communal amenity space, associated car parking, cycle and refuse storage' to 'the demolition of the existing structure on site and construction of a pair of dwellings with communal amenity space, associated car parking, cycle and refuse storage'. I have proceeded on the basis of the revised description in my considerations.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

6. The appeal site is located alongside a significant number of houses. Whilst these are constructed to varying designs, they generally incorporate traditional

- design features and material palettes. A further feature is that between individual buildings, gaps are present. This gives the area a more open character.
7. The proposed development would contrast with this character given that the dwellings would be constructed from materials that would deviate from the prevailing character. This includes the use of wood cladding. In addition, the form of the dwellings would differ from those in the vicinity. Furthermore, the windows of the proposed dwelling would have a different shape to the existing dwellings. The proposed dwellings would also appear to be slightly taller than the neighbouring houses.
 8. The differences between the proposed and existing dwellings would be exacerbated by the fact that the proposed dwellings would be noticeably narrower than the existing neighbouring houses. Whilst the two dwellings would be constructed as a single building, the development would clearly have the appearance of two houses given that two separate front doors would be clearly visible from the street.
 9. In addition, the proposed development would be constructed so that it would finish flush with the side boundaries of the appeal site. In doing so, this would give the proposed development a more cramped appearance and would erode the character of gaps between buildings that is a feature of the street.
 10. There are a variety of buildings within the vicinity. These include terraced and semi-detached houses, in addition to a detached house nearby that faces St Lawrence Road. These buildings are of different types and feature both hipped and gable roofs. However, they have unifying trends in that they often have consistent widths and gaps to their side. This means that, although of different designs, the existing dwellings contribute to a well-defined character that would be eroded by the proposed development.
 11. In addition, the proposed development would be prominently located. Owing to the layout of St Lawrence Road, the appeal site would be located near to a corner in the road. This means that the appeal site would be readily perceptible when viewed from the surrounding area. In addition, the appeal site would be readily viewable from some of the neighbouring properties. In consequence, the development would appear strident and visually prominent.
 12. The proposed development would result in the re-use of previously developed land. However, this benefit is outweighed by the adverse effects arising from the development's incongruous and strident form.
 13. Owing to the layout of the appeal site and the arrangement of neighbouring properties, the rear elevation of the development, including the proposed dormer windows would not be readily apparent from the surrounding area. Whilst this is a matter of note, it does not overcome the previously identified adverse effects.
 14. I have been referred to the Council's Residential Extensions and Alterations Supplementary Planning Document (2011). However, this document provides guidance to those involved in bringing forward residential extensions and alterations within Havering. As the proposal before me would result in the demolition of an existing non-residential building and construction of a new

building, I am not persuaded that I can give this document significant weight in my considerations.

15. I note efforts made by the appellant in revising the appeal scheme throughout the planning application process. However, this does not overcome my previous concerns.
16. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) and Policy D6 of the London Plan (2021). Amongst other matters, these seek to ensure that developments maintain, enhance, or improve the character and appearance of the local area; and that housing development should be of high-quality design.

Other Matters

17. The proposed development would be sited in an accessible location and would reuse previously developed land. In addition, the occupiers would benefit from appropriate living conditions, without prejudicing the living conditions of the occupiers of neighbouring properties. Furthermore, the proposed development would include cycle storage. Whilst these are matters of note, they are only some of all that must be assessed when considering a proposed development. Therefore, they do not outweigh my conclusions in respect of the main issue.
18. The evidence before me is indicative that there has been an under-delivery of new housing in the local area. Therefore, the provisions of Paragraph 11(d) of the Framework are invoked. This states that in such instances planning permission should be granted for residential developments unless the benefits are significantly and demonstrably outweighed. This is referred to as the 'tilted balance'.
19. In this specific case, the benefits are relatively small given that the development would create two additional dwellings. Furthermore, any economic benefits arising from the construction and occupation of the dwellings would be relatively small scale and, in some instances, of a time-limited duration. Therefore, as I have found that the proposed development would give rise to a significant adverse effect on the character and appearance of the surrounding area, I find that the benefits are significantly and demonstrably outweighed.

Planning Balance and Conclusion

20. The proposed development would have a significant adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed

Benjamin Clarke

INSPECTOR