



Appeal Decision

Site visit made on 28 October 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 DECEMBER 2021

Appeal Ref: APP/B5480/W/20/3259041

Kings Permanent Building Ltd, 2 Roneo Corner, Hornchurch RM12 4TN

- 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 Terry Kempton of Kings Permanent Building Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P0602.20, dated 4 May 2020, was refused by notice dated 29 June 2020.
 - The development proposed is demolish existing outbuildings to side and rear of site and erection of single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name differs between the planning application and appeal forms. I have taken the spelling from the planning application form as the right of appeal rests with the original applicant. This spelling also reflects the details given on the Appeal Statement.
3. Since the determination of the planning application, new versions of the National Planning Policy Framework (the Framework) and the London Plan 2021 (the London Plan) have been published. The Council has addressed these development plan documents in its Appeal Statement and the appellant has therefore had the opportunity to respond.
4. The Council has also adopted the new Havering Local Plan 2021 (the Local Plan) and it has specified the policies of the Local Plan which it considers are relevant. The appellant has been given the opportunity to comment on these. Despite the adoption of the new Local Plan, the Council refers to the presumption in favour of sustainable development and paragraph 11(d) of the Framework and housing delivery. However, this proposal does not involve the provision of housing, and therefore paragraph 11(d) is not triggered in respect of the appeal proposal.

Main Issues

5. The main issues in this appeal are the effect of the proposal on:
 - The character and appearance of the area;
 - Parking and access; and

- The living conditions of residents of the upper floor flat with regards to outlook, access and refuse storage.

Reasons

Character and Appearance

6. The appeal site consists of a commercial unit on the ground floor with a flat above, located at the end of a small parade of shops. As a corner site, it is readily visible from the busy road of the A125 and the residential street of Grenfell Avenue.
7. The site currently includes a number of conservatories and outbuildings to the side and rear which are associated with the commercial use. The Council indicates that the planning status of these buildings is unclear. However, despite being of an unorthodox appearance, the site is not particularly visually obtrusive and the variety of buildings located on the ground floor break up the visual massing of the site. Railings on the boundary also enable views into the site and give it a relatively open character.
8. It is proposed to replace the outbuildings with an extension to the side and rear. In views from the front of the site, the proposed shop front would reflect the existing ground floor and would therefore be visually acceptable.
9. However, the extension to the side would be located hard against the edge of the footpath. The rear extension would be set back from the side boundary, but not to a significant degree. Within the context of this visible corner site, the utilitarian flat-roofed design of the extension would appear as a stark and unsympathetic addition to the streetscape of Grenfell Avenue. Features such as access doors and windows would do little to break up the obtrusive appearance of the proposal. This detrimental impact would be exacerbated due to the projection beyond the relatively well-defined building line along Grenfell Avenue.
10. Reference has been made to the 'Shurgard' storage building opposite the site. This is of a much greater scale than the appeal proposal and is a prominent feature within the streetscape. However, despite the bulk and massing of the Shurgard building, the provision of planting and railings adjacent to the path as well as a colonnaded access softens the appearance of this substantial building in views from the public realm. Whilst the appeal proposal would be of a much smaller scale, the Shurgard building does not justify the unsympathetic design of the proposal.
11. The appellant specifies that the appeal site is not within a conservation area and will not affect listed buildings. However, even within the mixed character of the area I consider that the proposal would have unacceptable harm on the streetscape. Whilst the use of materials could be controlled by condition, this would not mitigate for the unsuitable design and layout of the proposal.
12. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its footprint and design. The proposal would therefore be contrary to the design requirements of policies 19, 26 and 27 of the Local Plan and policy D4 of the London Plan. The proposal would also be contrary to the Framework with regards to achieving well-designed places.

13. I find no conflict with policy D1 of the London Plan as this relates the preparation of area assessments and development plans.

Parking and Access

14. Grenfell Avenue is a no-through road, and the area of the highway adjacent to the appeal site provides an extent of parking and manoeuvring space. At the time of my visit there was evidence of significant parking stress in this area, with little, if any, parking available. This resulted in inconsiderate parking which restricted the width of the carriageway, and awkward vehicle manoeuvres so that cars and other vehicles could enter and leave the area in forward gear.
15. Based on parking standards and the proposed increase in floorspace, the Council has identified a potential increase in parking demand generated by the proposal. I consider that the Council's approach on this matter is well-founded, and based on what I have seen and read the proposal would lead to an increase in parking demand in an area with no capacity to cope with this increase. Within that context, there is a significant possibility that further on-street parking would increase the likelihood of collisions between vehicles and other highway users as a result of inconsiderate parking and convoluted manoeuvres due to the constraints placed on the highway, to the detriment of highway safety.
16. An access to the proposed building would be provided via double-doors directly adjacent to the rear lane. The site currently has no access onto this rear lane, which serves a number of nearby properties. The introduction of this access would be likely to lead to obstruction to vehicles passing along this lane, for example from loading and unloading operations. Whilst such obstructions may only be intermittent and for a short period of time, this would unduly restrict the access that occupants of nearby properties could reasonably expect.
17. In respect of cycle parking, there is capacity within the proposed building to provide a single longer-term cycle parking space, which could be ensured by a planning condition. There are also a number of public cycle parking spaces available nearby, which would meet the need for short term parking. On that basis, the proposal would provide and have access to suitable cycle parking provision.
18. The Council refers to access across the public footpath. However, the existing site has a double-gated access onto the path, and the proposal would therefore not unacceptably exacerbate inconvenience to pedestrians compared to the existing situation.
19. The appellant refers to the effect of new development opposite the site on parking demand. However, the evidence suggests that the Shurgard development includes parking provision within the site.
20. Notwithstanding my conclusions in respect of cycle parking and access across the footpath, the proposal would not make suitable provision for the parking of vehicles and would harm vehicular access to nearby properties. The proposal would therefore be contrary to the parking, access and highway safety requirements of policies 13, 23 and 26 of the Local Plan as well as policy D8 of the London Plan. The proposal would also be contrary to the Framework with regards to an unacceptable impact on highway safety as well as patterns of movement, streets and parking.

Living Conditions

21. The proposal would be visible from the windows to the side and rear of the upper flat. However, despite its utilitarian appearance and footprint, I do not consider that the effect on the outlook from the upper flat would be unduly harmful.
22. Access to the upper flat would be via a passageway leading through the extension. However, the length of this enclosed access route is not unusual for residential apartments, and I do not consider that it would be so dark and enclosed that it would warrant the refusal of planning permission. Retention of the right of access is a private matter, and as the plans specify that suitable access can be provided this also does not represent a reason to refuse planning permission.
23. The proposal would include an internal bin store which may be suitable for both the commercial operation and the upper flat. Access to this bin store is essentially a private matter, but confirmation that this bin store would be made available to the upper flat could be achieved by a planning condition. On that basis, the proposal would make suitable provision for refuse storage for the flat.
24. I conclude that the proposal would not harm the living conditions of residents of the upper floor flat with regards to outlook, access and refuse storage. The proposal would therefore not conflict with policy 26 of the Local Plan with regard to integrating with neighbouring development. The proposal would also not conflict with the Framework with regards to achieving a high standard of amenity for existing and future users of property.

Other Matters

25. I am mindful of the benefits that the proposal would bring to the business on the site, including the increase in storage area. However, given the limited scale of development proposed, these benefits are not sufficient to outweigh the significant harm I have identified.

Conclusion

26. Notwithstanding my conclusions regarding living conditions, the proposal would lead to significant harm to the character and appearance of the area as well as parking and access. The proposal would therefore be contrary to the development plan and the Framework when read as a whole in respect of promoting sustainable transport and achieving well-designed places.
27. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR