



Appeal Decision

Site visit made on 27 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/20/3259389

17-17A Elm Parade Flats, Elm Park Avenue, Hornchurch RM12 4QQ

- 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 M Lateef against the decision of the Council of the London Borough of Havering.
 - The application Ref P0493.19, dated 27 March 2019, was refused by notice dated 16 April 2020.
 - The development proposed is the erection of a part-single, part-double storey rear extension, and the erection of a new staircase to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant given on the appeal form differs from that given on the planning application form. It has since been confirmed that the appeal was submitted on behalf of the original applicant, and this is reflected in the heading above.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. The Council has referred to the revised Framework in its statement, and the appellant has had the opportunity to comment on this.
5. The Council has adopted the Local Plan 2016-2031 (the Local Plan) since the appeal was lodged. The Council has specified that the Core Strategy and Development Control Policies Development Plan Document 2008 (the CSDCP) referred to in the Council's Decision is not formally revoked until 29 December 2021. Based on the evidence before me, I have therefore determined this appeal with regard to both the Local Plan and the CSDCP.
6. The planning application was determined on the basis of a version of the London Plan which has subsequently been replaced. The Council has specified

which policies of the replacement London Plan 2021 it considers is relevant to this proposal.

7. The appellants have been given the opportunity to comment with respect to both the Local Plan and the London Plan.
8. The Council has raised the matter of a possible award of costs, and has referred to a lack of detail in the appellant's statement of case. The Council has not made a formal application for costs and has instead referred to the potential for costs to be awarded at the initiative of the Inspector. However, despite the limitations of the appellant's statement, I consider that there is sufficient evidence to enable me to determine this appeal and for the Council to make its case. It is also not unreasonable for the appellant to exercise their right of appeal. I therefore conclude that it is not appropriate for me to initiate a potential award of costs in this case.

Main Issues

9. The main issues are the effect of the proposal on:
 - Parking provision in the area;
 - The living conditions of residents of 18 Elm Parade with regards to outlook and light; and
 - The character and appearance of the area.

Reasons

Parking

10. The appeal site consists of a commercial unit on the ground floor with a residential unit on the upper floors, located within a parade of commercial and other uses.
11. The proposed extension would be located to the rear of the premises, and would result in the loss of an extent of parking provision to the rear which serves the existing property. This space was occupied by a vehicle associated with the ground floor commercial use at the time of my visit.
12. The road to the rear of the site serves a number of properties and acts as a service access as well as providing a number of parking spaces. The Council and comments raised locally refer to parking stress in this area, and this reflects my observations where I saw that there were few, if any, parking spaces available at the time of my visit. This resulted in the parking of vehicles in a manner which limited vehicle movements and manoeuvring space along the rear access road. This in turn may lead to convoluted vehicle manoeuvres which would increase the potential for collisions between vehicles and pedestrians.
13. The proposal would displace the parking provision currently on the site, with resultant harm to the servicing of the existing commercial unit and with significant potential to increase parking stress in the area. On that basis, the proposal would not make suitable provision for the parking of vehicles, and would therefore conflict with policies DC32 and DC33 of the CSDCP with regards to an adverse impact on the road network and the requirements in respect of the conversion of car parking provision. The proposal would also be

contrary to policy 23 of the Local Plan due to the harm to the safe and efficient use of the highway. The proposal would also conflict with the Framework due to an unacceptable impact on highway safety.

14. In its reason for refusal on this issue, the Council refers to policies of the London Plan 2016 and Draft London Plan 2009. In its statement, the Council refers to the London Plan 2021 and states that the policies relevant to this appeal are policies D1 and D4. However, these policies do not address parking matters and I have therefore not considered this main issue against them.

Living Conditions

15. The neighbouring property of 18 Elm Parade has an amenity area at first floor level serving a residential flat. This is adjacent to a substantial offshoot projecting to the rear of a neighbouring building, which has an overbearing relationship with No 18 due to its scale and proximity.
16. The appeal proposal would increase the height of built development in close proximity to No 18, and would also project some distance to the rear. In combination with the extant building on the other side of No 18, this would lead to an unacceptable sense of enclosure to the rear amenity area and significant harm to the outlook for residents. The proposal would also reduce the amount of indirect daylight reaching No 18, resulting in a dark and oppressive environment for residents. Furthermore, the access to the flat would also be dark and forbidding.
17. The proposal would be located on the north facing elevation to the rear of the parade of shops, and due to this arrangement would be unlikely to have a significant effect on the amount of direct sunlight reaching No 18. However, this arrangement emphasises the important contribution that daylight makes to the amenity of residents. The proposed extension is also set-back from the boundary with No 18 and would not be of the same scale as the extant building on the other side of the amenity area. However, consideration of these matters does not lead me to a different conclusion in respect of the harm to residents arising from the proposal.
18. The Council refers to the effect on windows and a service area for the commercial unit at No 18. However, the windows were painted over at the time of my visit, and even if brought back into use I consider that the proposal would not lead to significant harm to the operation of the commercial business.
19. Notwithstanding my conclusions in respect of the commercial operation, I conclude that the proposal would lead to significant harm to the living conditions of residents of No 18 with regards to outlook and light. The proposal would therefore be contrary to policy DC61 of the CSDCP and policy 7 of the Local Plan with regards to the effect on amenity and daylight. The proposal would also conflict with the Framework with regards to a high standard of amenity for existing and future users of property.

Character and Appearance

20. The rear of this parade of properties is a utilitarian area with a mixture of built forms, including extensions and other off-shoots of differing designs. More specifically, there is an off-shoot of a scale and mass at 19 Elm Parade which is significantly greater than the appeal proposal. There is also a rear extension to 16 Elm Parade which is of a similar scale as the appeal proposal.

21. Whilst the proposal would be of a utilitarian design, this reflects the varying forms of built development to the rear of this parade. The proposal would not appear as an incongruous or obtrusive feature in this mixture of building designs, particularly in the context of existing off-shoots and extensions in the immediate vicinity. On that basis, the proposal would not harm the character and appearance of the area, and would not conflict with the design requirements of policy DC61 of the CSDCP and policies 7 and 26 of the Local Plan. The proposal would also not be contrary to the Framework with regards to achieving well-designed places through development which is sympathetic to local character. The proposal would also not be contrary to policy D4 of the London Plan in respect of delivering good design.
22. The Council refers to policy D1 of the London Plan, although this relates to undertaking area assessments and the preparation of development plans, and is not relevant to this main issue.

Other Matters

23. The proposal would increase the space available to the ground floor commercial unit and the upper dwelling. However, there is no evidence that the extent of space available to these uses is insufficient, and this increase in space therefore carries limited weight in favour of the proposal.

Conclusion

24. Notwithstanding my conclusions in respect of character and appearance, I have concluded that the proposal would lead to significant harm to parking provision in the area and the living conditions of nearby residents. In respect of the identified harm, the proposal would conflict with the development plan. Whilst the proposal would lead to some limited benefits, the harm I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
25. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR