



Appeal Decision

Hearing (Virtual) held on 8 February 2022

Site visit made on 9 February 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/B5480/W/21/3267774

Neopost House, South Street, Romford, RM1 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Watson, GDL (Romford) Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref: P0094.20, dated 24 January 2020, was refused by notice dated 28 September 2020.
 - The development proposed is erection of four blocks ranging from five (5) to nine (9) storeys to provide 82 residential dwellings (Use Class C3) with car parking, associated cycle parking, refuse storage facilities and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision, a new version of the London Plan (LnP) and the National Planning Policy Framework (the Framework) have been published. Also, the new Havering Local Plan (2016-31) (LP) was adopted in 2021, superseding the previous London Borough of Havering Core Strategy and Development Control Policies Development Plan Document within the local development plan. The parties have had opportunity to comment on the engagement of these new policy documents in relation to the appeal, and so will not be disadvantaged by my consideration of them.
3. The appellant has submitted some amended Revision B drawings (Scheme B) to the appeal, since the Council's decision. The amended drawings add glazed 'winter gardens' to proposed flats on the southern elevation of Block A, in place of open balconies. The scope of core issues relating to the proposed development's suitability remain broadly similar. Also, the appellant has undertaken some consultation about the amended scheme in the local area. As such, no interests would be prejudiced by my consideration of amended Scheme B.
4. Since the Council's decision, a Planning Obligation by way of Unilateral Undertaking has been submitted by the appellant. This covers provision for carbon emission off-set, public realm and open space improvements, car club provision/membership and restriction on future occupants' ability to obtain parking permits, an employment and skills plan for the local workforce, and affordable housing. In the light of this, the Council indicates that these matters,

which were the basis of the third reason for refusal (RFR), have been acceptably addressed, so that this RFR is overcome, which I accept.

Main Issues

5. The main issue in this case is whether the proposed development would provide suitably high quality, comfortable accommodation for its future occupants, with particular regard to:
 - a) The quality and accessibility of private and communal outdoor amenity space;
 - b) Overheating of dwellings; and
 - c) Noise implications for occupants of single aspect units.

Reasons

6. The appeal site comprises the grounds of former office block Neopost House, also known as Papermill House, which has been converted into apartments.
7. Some of the proposed landscaped areas on the appeal site are likely to have more visual and wildlife value than recreational function. That said, a range of usable amenity spaces are proposed on the site for future residents, including balconies, winter gardens, private terraces, a communal terrace and a variety of landscaped spaces including play features for younger children, in line with the creative approach of the appellant's Landscape Strategy. With creative design detailing, I see no reason why planting could not be successfully incorporated into the play experience, to help ensure sufficient play space.
8. The proposed units on the southern elevation of Block A would have noise levels in excess of LAeq 55 dB on their balconies, under the scheme for which planning permission was refused. That said, were the amended Scheme B treatment to be applied, its envelopment of Block A's southern balconies as 'winter gardens' would provide some additional noise insulation¹, together with visual and spatial relief from the traffic for future occupants of 15 single aspect flats located from floors one to seven, facing towards the A125 road. Some residents may well use these spaces for indoor plants, with associated therapeutic value, and for drying washing. Consequently, the winter gardens would contribute some comfort to the living conditions of occupants of these dwellings. Various panoramic views from the proposed development would add to this.
9. While the previous Inspector for a different scheme on the site in 2020² appears to have been less convinced about the attraction to future occupants of off-site green space in the locality, from what I have seen and read in the current case, Grenfell Park is a short walk from the appeal site, accessible via a signal-controlled pedestrian crossing. It forms part of a riverside green corridor which provides for a range of activities including walking, dog walking, children's play at the playground, and appreciating wildlife such as the birdlife along the river corridor. There is potential to enhance the environmental quality of the park further, which the financial contribution would assist with.
10. Park Lane Recreation Ground also provides a fairly convenient walkable additional green space in the neighbourhood, with play and outdoor gym

¹ With use of acoustic absorber, as indicated in paragraph 7.18 of the appellants' Appeal Statement of Case.

² Appeal Ref: APP/B5480/W/19/3243182.

equipment and pitches. And proposed financial contribution would help rejuvenate Havering Well Garden green space.

11. In combination, the above would provide future occupants of the development with access to a range of mainly outdoor amenity spaces, catering for various interests and age groups. The proposed residential development would also provide opportunities for improvements to, and positive community engagement with several existing public open spaces in the neighbourhood. The above together would serve the fundamental aims of quality and usability of amenity space, which are emphasised by the London Borough of Havering Design for Living Residential Design Supplementary Planning Document.
12. Regarding single aspect dwellings, Housing standards and quality Policy D6 of the LnP seek to 'normally' avoid these, and maximise dual aspect development in new development. That said, LnP Policies D3 and D6 together allow for the possibility of some denser, single aspect development in locations which are highly accessible by public transport, cycling and walking, as the appeal site is, given its accessibility to various bus corridors, green infrastructure and onward connectivity to various rail networks and town centres. This LnP approach is furthermore subject to achieving, among other things, appropriately high quality, comfortable living conditions for Londoners.
13. Supporting text paragraph 3.6.5 under Policy D6 of the LnP, and Standard 29 of the London Plan Housing Supplementary Planning Guidance (SPG) together indicate a range of qualitative concerns about single aspect dwellings. These include potential difficulties in achieving passive cross-ventilation, and the risk of overheating within a context of climate warming and urban heat island considerations.
14. Paragraph C of Policy D6 includes a requirement for proposed single aspect dwellings to demonstrate adequate passive ventilation and avoidance of overheating. Furthermore, paragraph 3.6.5 of the LnP specifies that the design of single aspect dwellings must demonstrate how they will avoid overheating without reliance on energy-intensive mechanical cooling systems. Also, Standard 29 of the SPG advocates minimising the number of single aspect dwellings, and avoiding those which would expose occupants to noise levels with significant adverse health implications.
15. In the proposed development, the number of bedrooms in almost all the single aspect dwellings in Block A would be limited to less than three bedrooms. Also, single aspect dwellings would be contained as a numerical proportion of the development to twenty units, leaving around a three-quarters majority of units as dual aspect dwellings. Block A's north and south elevations would be relatively open and expansive, assisting with receipt of light to single aspect dwellings. Also, the proposed single aspect dwellings' windows would mainly face other than northwards.
16. Having regard to acoustic site constraints arising from the A215 road corridor that runs past the appeal site's southern boundary, judging by the Overheating Analysis³ (OA) prepared by the appellant's building services and sustainability consultant, it is likely that proposed dwellings in the development would require a mechanical ventilation with heat recovery (MVHR) system. The Council questions the potential effectiveness of a MVHR system to provide a

³ Issue 04, paragraph 1.1.1.

comfortable internal environment, when taking in air from outside the building in hot summer months. However, the OA expresses confidence in the relative energy efficiency of MVHR, and suitability of MVHR units' smart controls to monitor external temperature and reduce flowrates when hotter outside than inside. In the absence of substantive evidence to the contrary, I find no reason to doubt the OA's technical position on this point.

17. As such, the proposal would achieve several of the guideline criteria for 'good' single aspect homes, that are set out in supporting text paragraph 2.3.40 for Standard 29 of the SPG. Furthermore, the proposal would achieve the Standard 29 objective of minimising the number of single aspect dwellings in the appeal scheme, and meet the LnP paragraph 3.6.5 objective of avoiding reliance on energy-intensive mechanical cooling systems.
18. Drawing the above strands together, the proposed development would go some way towards providing comfortable accommodation for future occupants, in terms of the combination of on-site and public amenity space, and some attributes of single aspect units.
19. However, judging by the OA⁴, many dwellings in the proposed development would be at risk of overheating under future climate change conditions. Under this scenario, the OA recommends that 'occupants could further improve air movement and reduce the risk of overheating with the following actions': the use of a ceiling fan; additional blinds throughout the dwelling; external louvres or shades. However, external louvres or shades are not included in the proposed development. Also, I have no certainty that occupants would be able to afford to instal solar blinds. In the absence of assured provision of these measures, I have no certainty that a high possibility of overheating would be avoided by residents of many dwellings within the proposed development.
20. Furthermore, to avoid annoyance from traffic noise from the A215, even with the Scheme B winter garden treatment applied, there is likely to be particular pressure on residents of the proposed 16 south-facing single aspect units in Block A to keep windows closed, with consequent loss of the comfort of fresh input of air through open windows, including during warmer months.
21. Uncomfortable noise levels in excess of LAeq 55 dB on the roof terrace of the south-facing single aspect dwelling on level 8 would further add to the adverse noise impacts on future occupants.
22. That BS8233 envisages a possibility that compromise regarding elevated noise levels 'may' be appropriate in some urban circumstances, this does not negate, or automatically confer acceptance of, the specific combination of adverse impacts in this appeal case, and as such does not alter my consequent findings.
23. Even allowing for the attractions of living in the relatively accessible metropolitan location, with some elevated panoramic views out, I find that the above adverse impacts are together likely to result in significant discomfort for future occupants.
24. I therefore conclude that overall the proposal would fail to provide suitably high quality, comfortable accommodation for occupants of the proposed development, in terms of overheating of units under future climate change conditions, and the interior and exterior comfort implications of noise for

⁴ Paragraphs 5 and 6.1.1.

occupants of some units. As such, the proposal would conflict with Policies D3, D4, D5 and D6 of the LnP which together seek to ensure, among other things, that development achieves comfortable, people-focused spaces and places. In the above ways the proposal would also undermine the Framework's fundamental objective of creating high quality, sustainable development through good design.

Other Matters

25. I appreciate that following engagement with the borough's design Quality Review Panel and evolution of the scheme, the Planning Officer's Report to Strategic Planning Committee found insufficient harm to recommend refusal, but this does not alter my reasoning. In any case, Members reached a different conclusion.
26. Concerns have been raised by some local residents regarding privacy and light effects on neighbouring property. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.

Planning Balance and Conclusion

27. The Council confirms that it cannot demonstrate a five year supply of deliverable housing sites. Therefore, policies which are most important for determining the application are to be considered out of date. The tilted balance, as set out within paragraph 11 of the Framework, thus applies.
28. The proposal would contribute 82 new dwellings on brownfield land to local housing supply. This would include 41 affordable units, of which around two thirds would be in shared ownership, and around a third affordable rented. The involvement of a housing association with the scheme further points to commitment to delivery of these homes. The proposed residential development would provide associated socio-economic benefits during and after construction, including additional custom for local businesses, public transport and facilities, contributing towards sustaining them. Furthermore, the proposal would contribute to public open space improvements to Grenfell Park and Havering Well Garden.
29. Together the proposal's benefits carry significant weight. Nonetheless, I have identified significant harm in relation to the quality and comfort of accommodation for future residents, in terms of overheating in climate change conditions, and interior and exterior comfort implications of noise.
30. I appreciate that the Framework sets out a presumption in favour of sustainable development but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns. Moreover, case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement.
31. Given the totality of harm identified above, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefit, when assessed against the policies in the Framework taken as a whole.

32. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

William Cooper

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Barrett	Fabrik
Andrew Corkill	Spectrum Acoustic Consultants
David Hirschfield	GDL (Romford) Ltd
Robert Hirschfield	Hirschfield Architects
Steve Johnson	Hilson Moran
Robert Walton	Landmark Chambers
Michael Watson	GDL (Romford) Ltd
Harriette Wood	GDL (Romford) Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Neil Goate	Council of the London Borough of Havering
Habib Neshat	Council of the London Borough of Havering

INTERESTED PARTIES:

Mr John Harrison	Local resident
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