
Appeal Decision

Site visit made on 13 April 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/B5480/W/21/3284575

115 Avon Road, Upminster, RM14 1RG

- 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 MGD Hougue Limited against the decision of Havering London Borough Council.
 - The application Ref. P0943.21 dated 13 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is the conversion of detached 6-bed dwelling to 3 x 1-bed, 1 x 2-bed and 1 x 3-bed flats with associated parking and amenity space involving a two storey side/rear extension, side extension to single storey rear element, first floor front extension and loft conversion to include 3 front and 2 rear dormers.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The council's decision notice in this case made reference to policies of the Core Strategy and Development Control Policies Development Plan Document Adopted in 2008 which has now been superseded. Havering Local Plan (2016-2031) was adopted on 17 November 2021 (LP21). The council considers that the relevant LP21 policies are: 3 (Housing supply), 7 (Residential design and amenity), Policy 9 (Conversions and subdivisions), Policy 10 (Garden and back-land development), 24 (Parking provision and design), 26 (Urban Design), 27 (Landscaping), 33, (Air quality), 34 (Managing Pollution) and 35 (On-site waste management). I have taken these into account in my decision.

Main Issues

3. The main issues in this case are: i) the effect on the street-scene and local character; ii) the effect on the living conditions of the occupants of the neighbouring property to the west; iii) the quality of the living environment for future occupants of the development; iv) the effect of the increased comings and goings to the site on local character and the amenity of adjoining and nearby occupiers; and v) whether the proposed car parking layout would be satisfactory in terms of highway safety and pedestrian convenience.

Reasons

The appeal site and surroundings

4. The appeal property, situated at the junction of Avon Road with Severn Drive, consists of a detached two storey 6 bedroom dwelling. The dwelling incorporates a main 2-storey part, and a single-storey rear projection which extends to the full depth of the plot, along the secondary frontage to Severn Drive. The building also incorporates a garage which provides one off-street parking space, accessed from Severn Drive. The main access into the building is from Avon Road but a secondary access also exists from the Severn Drive frontage.
5. The surrounding area has a mix of uses but is mainly residential with the immediate properties to the north along Avon Road and east along Severn Drive being of 2 storey terraces. Immediately opposite, on the south side of Avon Road is the modern, flat-roofed, 2 storey Cranham Health Centre, which is flanked by semi-detached houses. The Golden Crane Public House is situated on the north-east corner of the Avon Road/Severn Drive junction, beyond which is a long 3 -storey parade of shops with flats above. Opposite the public house and shopping parade is an extensive development of 3-storey flats.

The effect on the street-scene and local character

6. As will be seen from the description of the surrounding development set out above, the immediate vicinity of the appeal site, around the Avon Road/Severn Drive junction, has a mixed character. Bearing in mind the existing purpose built flats in the vicinity, I do not regard a flatted development as necessarily at odds with the streetscene and local character of the area.
7. However, whereas the flank of the existing house is set well off the frontage with Severn Drive, closely reflecting the building line of its neighbours in that road, and contributing to the open character at this junction, the proposal would bring the main part of the building out to within about 1m of the back edge of the footway (all dimensions taken from measuring the linear scale [1:100 at A1] on the Proposed Plans and Elevations drawing). Furthermore, this elevation has greater mass than the existing. Taken with this reduction in spaciousness and considerably greater prominence, the return frontage beyond the 2½ storey part of the proposed building is taken up primarily with hard surfacing and/or parked cars. This loss of relief to the building form is exacerbated by the provision of storage for 8 No.180 litre refuse bins sited in front of a low hedge on the frontage to Avon Road. These are not shown in the 'Coloured Front Elevation' illustration on drawing No.1502_321, but are clearly shown on the 'Proposed Ground Floor' plan, drawing No. 1502_320.
8. There are other features of the proposal that would not fit well in the street scene, such as the flat roofed dormers that sit just below the ridge of the main roof, especially the forward projecting central 3-storey stairwell element to the Avon Road frontage. I conclude that the proposed conversion would be harmful to the streetscene and character of the local area.

The effect on the living conditions of the occupants of the neighbouring property to the west

9. The house that is potentially impacted by the appeal proposal, to the west, is No.113 Avon Road. The increased footprint and height of the 2½ storey element, just off the boundary, would be rather overbearing on the rear garden

of this neighbour immediately at the back of the house. In addition, the single-storey part of the proposal would come deeper into the site than the present single storey element. The amenity area that is between the single storey element and the boundary of No.113 measures 4.5m wide – less than the depth of a car parking space. This would concentrate activity in the enjoyment of this outdoor amenity space – to be used by both flat 1 and flat 5 – in close proximity to the garden of No.113. Finally, in terms of material effects on the living conditions of No.113, there would be a degree of overlooking of the rear garden, particularly from the balcony of flat 2 which is situated at first floor level, very close to the boundary. For these reasons I consider that the proposed development would be harmful to the living conditions of this neighbouring property

The quality of the living environment for future occupants of the development

10. It is the first and second floor flats that this issue primarily relates to. The floor areas of the flats appear to be at the minimum of the prescribed standards, but that does not warrant refusal of permission. However, the absence of outdoor open space for these flats, other than the small balconies on the first floor, means that living environment for future occupants of the development is less than should be expected.

The effect of the increased comings and goings to the site on local character and the amenity of adjoining and nearby occupiers

11. It is most likely that, with 5 flats on the site of a single detached house, there would be increased comings and goings. The main effect of this would be related to vehicles entering and leaving the on-site parking provision, and quite possibly, to an increase in parking stress in the area. This would be potentially dangerous to users of the highway, including pedestrians, and for that reason carries some weight.

Whether the proposed car parking layout would be satisfactory in terms of highway safety and pedestrian convenience

12. Noting that the PTAL rating of the site is 2, and the London Plan standards, the proposal makes an excess provision, but in view of the officer's comments about the proximity of an area with a PTAL of 1, this should not be viewed as a shortcoming of the scheme. However, the poor visibility for cars emerging from spaces P4 and P5, coupled with the number of spaces accessing immediately across the public footway, leads me to conclude that the scheme would be unsatisfactory in terms of highway safety and pedestrian convenience.

Other matters

13. The appellant refers to a change in national policy in 2021 that gives 'added impetus' to the reuse of buildings. I assume that this is a reference, in terms of planning policy, to paragraph 152 of the National Planning Policy Framework (the Framework) which includes the clause "*encourage the reuse of existing resources, including the conversion of existing buildings;*" although this was only a repetition of the same text in paragraph 148 of the 2019 version of the Framework. Be that as it may, I am far from being persuaded by the point. Drawing No.1502_320 shows the proposed ground floor plan superimposed on the outline of the existing building. This seems to me to demonstrate that the

majority of the proposed development has little relationship with the existing structure, both in terms of external walls and internal partitioning.

14. Of greater significance is the matter arising from the Housing Delivery Test results for the borough between 2019 and 2021, all of which showed underperformance meaning that the 'titled balance' under paragraph 11(d) of the Framework comes into play. Paragraph 11(d) states: "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: (as applicable here) ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*".
15. In the present circumstances of the borough, the interpretation of this is not straightforward. Clearly there are relevant development plan policies, but are they out of date? LP21 was adopted in November 2021 following an examination by an Inspector who found the Plan sound and recommended accordingly. I am aware that there was also a recommendation that the council should immediately embark on a review, but the fact is that it is difficult to square an adoption barely 5 months ago with a charge that it is out of date. In being found sound, it must have been found to comply with the Framework. My answer to this is in the proviso ii. of paragraph 11(d) - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*. I consider this in my conclusions below.

Conclusions

16. In my reasoning above I have found that the proposed development would be harmful to the streetscene and character of the local area; that it would be harmful to the living conditions of the neighbouring property, and the living environment for future occupants of the development would be less than should be expected. Furthermore, the increased comings and goings to the site, in terms of the numbers of car movements generated, and the proposed parking arrangements, would be likely to add to parking stress in the area and be potentially dangerous to users of the highway, including pedestrians.
17. Taken together, these matters significantly and demonstrably outweigh the benefits of the scheme, and therefore I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR