



Appeal Decision

Site visit made on 16 August 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 OCTOBER 2022

Appeal Ref: APP/B5480/W/22/3291541

Strict Baptist Chapel, 73 Carlisle Road, Romford RM1 2QL

- 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 Ken Kandola against the decision of the Council for the London Borough of Havering.
 - The application Ref P1903.21, dated 4 October 2021, was refused by notice dated 21 December 2021.
 - The development proposed is described as 'Demolition of the existing building with the construction of a 2 No x 4 bedroom, semi-detached dwellings with rear gardens, on-site car parking and cycle/waste storage'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed change of use is acceptable, having regard to the provisions of the development plan that protect social infrastructure;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of Nos 69, 71 and 75 Carlisle Road, with regard to light.

Reasons

Change of Use

3. The existing building was formerly in use as a chapel, and there appears to be no dispute that this is a form of social infrastructure. The appellant maintains however that there is a lack of need for a place of worship and has sought to evidence this with a letter from the vendor to the appellant. The letter advises that as of spring 2020 there were no longer any members of the church living and assembling for worship there. Furthermore, marketing information to demonstrate the site was marketed as a chapel has been provided.
4. Policy S1, criteria (G) of The Spatial Development Strategy for Greater London (the London Plan), adopted March 2021, stipulates that redundant social infrastructure should be considered for use as other forms of social infrastructure before alternative developments are considered. Policy 16 of the Havering Local Plan 2016-2031 (the Local Plan), adopted November 2021,

specifically requires assessment be made of the suitability of the site for accommodating those forms of social infrastructure for which there is a defined need in the locality. In carrying out this assessment, the policy states that site constraints and the feasibility and viability of retaining the site for alternative social infrastructure provision should be taken into account.

5. It is clear from the submitted letter that the previous occupiers of the chapel no longer required it for this purpose. However, while the chapel would appear to have been listed for sale at some point after spring 2020, it is unclear when or for how long the site was on the market or whether any interest was expressed by other groups in its ongoing use as a chapel. It is also noted that the listing stated the site could be considered for redevelopment to residential uses, subject to obtaining planning permission. Without further details of the marketing process, it is unclear whether this may have encouraged the premature sale of the site for residential use.
6. Even if it were accepted there is a lack of need for a place of worship, the Council advise there is a need for childcare in the borough. Consideration has been given by the appellant to various other possible relevant community uses, including as a nursery. It is agreed that a nursery would be an appropriate use. While that may give rise to traffic issues, I am aware that the site previously accommodated parking for 6 vehicles to the rear, and from what I saw appears to be reasonably accessible by walking, cycling and public transport from a large number of nearby properties. Ultimately there is no substantive evidence before me to demonstrate that a nursery would be harmful in terms of traffic generation or highway safety particularly in comparison with the existing use and the comings and goings that it would attract. I am told there was no interest for the existing use through the marketing of the site or for any of the other alternative uses referred to. However, given the very limited evidence about how thoroughly these alternatives have been explored and in the absence of further details of the marketing process, I give this little weight.
7. In respect of this main issue, it has not been demonstrated that the proposed change of use is acceptable, having regard to the provisions of the development plan that seek to protect existing social infrastructure. In particular, the proposal is contrary to Policy S1 of the London Plan and Policy 16 of the Local Plan which, as I have set out more thoroughly above, seek to protect social infrastructure.

Character and Appearance

8. The surrounding area is characterised by a variety of dwelling types and sizes, of differing ages and styles, with varying finishing materials. In the immediate vicinity of the site however, buildings are typically two storeys, are often attached to a neighbouring dwelling and feature modest narrow frontages. The appeal property and adjacent detached bungalow being notable exceptions, in particular due to their single storey scale. The flatted development on the opposite side of the site also diverges somewhat from this general arrangement, featuring a wide, open frontage. Both hipped and gable ended roof types are common in the area with notable variation in ridge heights. There is also a modest difference in land levels, with the appeal property and those adjacent slightly higher than those on the opposite side of the street.
9. Following demolition of the existing chapel, the appeal proposal would partially infill the resulting gap between the adjacent two storey flats and the bungalow.

- The proposal would span a much greater width, with only a small gap retained to the boundary either side sufficient for pedestrian access only. The site is comparatively narrow however and so, while adjoined as a pair, the proposed dwellings would appear tall from the front with a vertical emphasis, in contrast to the horizontal emphasis of the buildings either side. Though the ridge line would be comparable to the adjacent flats and the roof would be half-hipped, the proposed dwellings would be appreciably taller than the existing building they would replace and would loom large next to the adjacent bungalow.
10. The bungalow and flats either side of the site are themselves set off the shared boundaries with the appeal site. This would serve to soften the height discrepancy between the proposal and the existing bungalow. However, these gaps would also increase the visibility of the dwellings, revealing their considerable depth and adding to their presence in the street scene and in the setting of the adjacent bungalow. To accommodate living accommodation at second floor, the proportions of the roof itself are also considerable, dominating the front and rear elevations. Though examples of second floor accommodation can be found sporadically in the surrounding area, this is typically in between two storey dwellings and so is less prominent in the street scene. The proposed front facing projecting gables are also not a common feature in the immediate area and, in the context described above, would add further mass, and emphasise the dominance of the pair.
 11. While the semi-detached nature and architecture of the dwellings themselves would not be out of keeping with the wider area, in their immediate setting and due to their overall mass, they would appear unsympathetic to neighbouring properties and unduly dominant in the street scene.
 12. In respect of this main issue, I therefore find that the proposals would have a harmful effect on the character and appearance of the area. The proposal is therefore contrary to Policy 26 of the Local Plan which, amongst other things, seeks to ensure development proposals respond to distinctive local building forms and patterns of development, and respect the visual integrity and established scale, massing, rhythm of groups of buildings and height of the surrounding physical context.

Living Conditions

13. As pointed out in the second reason for refusal, a daylight and sunlight report was not submitted with the planning application and none has been received in relation to this appeal. I will assess the relevant matters on the merits of the case as I see them. No 75 Carlisle Road features two large windows in the side elevation facing the appeal site, serving a kitchen, and living space. The flats at No 69 and 71 Carlisle Road each feature a side facing door at ground and first floor. No 75 features a large enclosed rear garden, while the two flats both have access to private narrow gardens leading up to a row of garages at the rear. Immediately adjacent and perpendicular to the northern boundary of the site is a small single storey brick storage structure at the rear of No 69 and 71.
14. The proposed dwellings do not extend beyond the main front or rear elevations of No 75. The proximity and mass of the dwellings would result in lower light levels to some degree for the side elevation windows facing them. However, as the appeal site is located to the north, loss of direct sunlight to these windows and the rear garden would be limited. It would however occur to some extent particularly when the sun is low in the sky to the west.

15. The proposed dwellings do however extend beyond the rear elevation of the flats at No 69 and 71 and are situated south of them and their associated gardens. While mitigated to a limited extent by the existing intervening brick structure, considerable loss of direct sunlight, particularly for the garden closest to the shared boundary, would still occur at times given the proposal's proximity. In the absence of any supporting evidence to the contrary, I consider this would harm the living conditions of the occupiers of these neighbouring properties.
16. In respect of this main issue, I therefore find that the proposals would have a harmful effect on the living conditions of the occupiers of Nos 69, 71 and 75 Carlisle Road, with particular regard to light. The proposal is therefore contrary to Policy 7 of the Local Plan which, amongst other things, seeks to protect the amenity of existing and future occupiers from the loss of daylight and sunlight.

Other Matters

17. The appellant has highlighted that the latest housing delivery test (HDT) results, published in January 2022, indicate that Havering has delivered only 46% of its housing requirement. The implication being that the presumption in favour of sustainable development, set out in paragraph 11(d) of the National Planning Policy Framework (the Framework), should be applied. The Council, while acknowledging the published HDT result, instead contend that in light of the adoption of the Local Plan in November 2021, this figure should be revised up to 81%. The Council advise they have formally requested that the official HDT result be reviewed accordingly.
18. Irrespective of this, by their own admission the Council cannot currently demonstrate a 5-year housing land supply. As indicated in footnote 8 of the Framework, paragraph 11(d) is therefore applicable. Paragraph 11(d) indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Sustainable development comprises economic, social, and environmental components.
19. The Framework seeks to significantly boost housing supply. It highlights that small sites can make important contributions to housing requirements and encourages the optimal use of underutilised land. The proposal would provide a temporary boost in employment during construction, reuse a currently vacant site, and contribute to housing delivery in the borough. Additional residents may also contribute to the local economy and vitality of the community. These benefits would be modest however given the small scale of the development.
20. On the other hand, the Framework also highlights that good design is a key aspect of sustainable development. It seeks to ensure development is sympathetic to local character and the surrounding built environment, with a high standard of amenity for existing and future users. It also advocates against the loss of valued facilities. As above, the proposal would result in the unjustified loss of social infrastructure and have adverse environmental impacts including harm to the character and appearance of the area and living conditions of residents. In relation to the main issues, Local Plan Policies 7, 16 and 26 and London Plan Policy S1, are not complied with. Notwithstanding paragraph 11(d) of the Framework being engaged, these policies do reflect the overall guidance within the Framework. I therefore attribute significant weight to them.

21. It is my view therefore that the adverse impacts identified above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development, and this therefore does not outweigh the identified harm and development plan conflict.

Conclusion

22. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR