



Appeal Decision

Site visit made on 7 December 2022

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/B5480/C/21/3288125

The land known as 7 & 9 High Street, Hornchurch, RM11 1TP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Huihong Lu against an enforcement notice issued by London Borough of Havering.
- The notice, numbered ENF/282/18, was issued on 4 November 2021.
- The breach of planning control as alleged in the notice is the erection of an enlargement to the rear of No.7 and No.9 High Street, Hornchurch.
- The requirements of the notice are to:
 - (i) Demolish the enlargement to the rear of the No.7 and No.9, located in the approximate area HATCHED RED in the plan attached to the enforcement notice. This includes any walls / windows, ceiling, roof, and is the non-brick built enlargement to the rear of No.9. **AND**
 - (ii). Remove all materials, rubble and debris from the site as a result of taking step (i) above;
- The period for compliance with the requirements is: 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Site and surroundings

2. The appeal site lies to the rear of a pair of semi-detached buildings, in a single ownership, in a small row of 5 similar properties with commercial uses on the ground floor and residential above. It was formerly an open yard but a single storey brick built extension was added to No.9 some time ago. No.7 is in a different tenancy.
3. The development that is the subject of the enforcement notice is a further extension to No.9 which has now filled in the area to the rear of both properties, apart from a narrow access route from a side passage to the rear door of No.7. It is constructed of timber joists and boarding, with a flat roof of corrugated plastic sheeting and exposed oriental strand board. At the time of my visit, the extension contained freezer cabinets, bins, foodstuffs in bowls and packets and a stainless steel sink.

Main Issues

4. I consider the main issues in this case to be the effect of the development on:
 - (a) the viability of the business operations at Nos.7 and 9 High Street, Hornchurch, with reference to overdevelopment and ease of access;
 - (b) the amenities of neighbouring occupiers with particular reference to overbearing impact, sense of enclosure and loss of light and outlook and
 - (c) the design quality of the development and how it relates to the character and appearance of the area.

Reasons

Viability

5. The appellant claims that the extension has not had any adverse impact on the viability of the businesses in the 2 properties. It is true that it has provided more internal space for the restaurant in No.9 but has provided no additional accommodation for No.7. What has occurred as a result of the extension is the creation of a poor quality entrance to the rear of No.7. which is narrow and difficult to navigate.
6. I understand the tenant in No.7 is operating his business without the need for the space in the rear yard. However, in my opinion, the loss of this space would be likely to make the property less attractive to a future tenant. It is also reducing the external space such that no refuse could be stored in bins outside the building between collections. This would be likely to result in some of the existing internal space having to be given over to this unnecessarily.
7. On balance, I consider that the extension is overdevelopment that has reduced the future commercial viability of the property at No.7 and is contrary to policy 35 of the Havering Local Plan 2016 – 2031 (Adopted November 2021) (LP) which requires commercial and mixed use development to '*provide adequate, secure, external or communal storage facilities on site which allow for the separate storage and collection of waste, reusable items, recyclable materials and compostable waste*'.

Neighbouring amenity

8. The neighbouring occupier at No.5 has objected to the development on the grounds of loss of light to his property. However, being single storey, it is not having a detrimental impact on the light reaching the rear part of that building. Nevertheless, the extension is very close to a rear window in No.7 and will be reducing the light and outlook from that property. Whilst the outlook would only be into the rear yard, the development has nevertheless made the previous situation worse.

Design quality

9. The appellant submits that, because the extension is not readily visible to the general public, it cannot therefore be having a detrimental impact on the character of the area. Whilst the development is not visible in the street scene, it can nevertheless be seen from private land and adjacent buildings and will therefore have an impact on the quality of the outlook from these viewpoints and, consequently, on the character of the locality. In any event, the fact that a development is not in public view does not excuse or justify poor design.

10. Prior to its construction, all of the group of commercial properties had some external space but that to Nos. 7 and 9 has now been lost. This has resulted in some of the new internal areas being very poorly laid out and, as noted above, the external rear access to no. 7 is convoluted and awkward. These factors have created a poor environment for those working within the buildings and fail to maintain the established character of the terrace.
11. In addition, the materials used to construct the latest additions to the rear of the pair of properties are very basic, giving the extensions a temporary appearance. In my professional opinion, all these factors result in a poor quality of design.
12. The National Planning Policy Framework 2021, in paragraph 130, calls for development to function well and add to the overall quality of the area and to be visually attractive. Policy 26 of the LP also calls for new development to be of a '*high architectural quality and design and to be built of high quality, durable, robust, low maintenance materials that integrate well with surrounding buildings*'. In my view, this development fails to achieve these standards.

Conclusions

13. For the reasons set out above, I find the development to be of a poor architectural design standard which has resulted in a cramped overdevelopment of the site. This is in conflict with relevant national and local planning policy and I have been given no justification for the retention of the development that I consider sufficient to outweigh the harm caused.
14. Therefore, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Katie Peerless

INSPECTOR