



Appeal Decision

Site visit made on 13 December 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/B5480/W/22/3290362

13-24 Romside Place, Brooklands Lane, Essex RM7 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO).
 - The appeal is made by M Gurvits of Eagerstates Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref J0022.21, dated 9 June 2021, was refused by notice dated 4 August 2021.
 - The development proposed is Class A, 2no. additional storey with 4 x 2 bed 4 person flats & 4 x 1 bed 2 person flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's details differ between the application and appeal forms. Clarification of this matter has been provided by the appellant's agent, and I have taken these details from the application form. I have also taken the address of the appeal site from the application form as this accurately represents the location of the proposal.

Background and Main Issues

3. The Council's second reason for refusal refers to an absence of evidence regarding levels of daylight and sunlight. However, the appellant has provided a Daylight and Sunlight Study with the appeal and the Council has confirmed that this addresses that reason for refusal.
4. On that basis, the main issues are:
 - Whether the proposal would comply with the Nationally Described Space Standard¹;
 - The effect on the external appearance of the building;
 - The impact on the amenity of neighbouring premises; and
 - The transport and highways impacts of the proposal;

¹ Technical housing standards – nationally described space standard, issued by the Department for Communities and Local Government on 27th March 2015

Reasons

Nationally Described Space Standard (NDSS)

5. From 6 April 2021, Article 3(9A) of the GPDO provides that Schedule 2 does not permit any new dwellinghouse where the dwellinghouse does not comply with the NDSS. One double bedroom for each of the proposed two bedroom, four person flats would have an area of 10m², which would not meet the floor area of at least 11.5m² for a double bedroom as set out in the NDSS.
6. The appellant contends that the proposal is not a planning application, and that a prior approval is not governed or constrained by the NDSS. Furthermore, they submit that the proposal is only marginally less than the NDSS. However, as indicated previously, Schedule 2 of the GPDO does not permit dwellinghouses which do not comply with the NDSS. It is a matter of fact that the proposal would not comply with the NDSS even if that non-compliance would only be marginal as contended by the appellant.
7. In conclusion, the proposal would not comply with the NDSS and is therefore not permitted by Schedule 2 of the GPDO.

External Appearance of the Building

8. The appeal site is a 3-storey block of flats of a pleasant if understated appearance. The proposal would add 2 further storeys to the building, with a roof which reflects the existing design. However, the fenestration of the proposal would not reflect the placement of windows and balconies on the existing building, and in particular the side elevations of the proposed extension would contain no windows giving the building a clumsy and top-heavy character.
9. There are a mix of building designs in the area, including traditional 2-storey dwellings as well as blocks of flats of varying heights. However, the appeal site is part of a small group of 3-storey blocks which are of a relatively consistent scale and character. The proposal would result in a significant increase in the height and scale of the host building, which would contrast awkwardly with the other blocks in this streetscape. The increase in height would also give this freestanding building an incongruously vertical emphasis.
10. The appellant sets out that the GPDO refers specifically to the external appearance of the building itself rather than the surrounding area which they consider is not listed as one of the prior approval matters. However, it is a matter of planning judgement as to whether consideration is given to the effect in terms of the building's intrinsic design and/or to the effect in terms of the building's relationship with nearby properties.
11. In this case, the appeal site is located within a group of buildings of a similar scale and appearance. Within that context, it is not appropriate to consider the external appearance of the building in a vacuum or in isolation. The relationship between the appeal site and nearby properties is, in this case, a relevant aspect of the consideration of the effect of the development on the external appearance of the building.
12. It is inevitable that permitted development rights to extend buildings upward will have some impact on the appearance of the host building and the surrounding area. However, this does not negate the requirement to address

the conditions placed on development permitted under Class A, including the consideration of external appearance.

13. For the above reasons, I find that significant harm would be caused to the external appearance of the building. The GPDO requires that I have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The proposal would therefore conflict with the Framework with regards to achieving well-designed places.

Amenity

14. The appeal site is located to the rear of dwellings on Medora Road. Although the proposal is separated from these dwellings by rear gardens as well as parking and accessways, the increased height of the building would be readily apparent from dwellings on Medora Road. Despite the separation distance, the increased height and massing of the building would result in an overdominant and oppressive feature which would lead to significant harm to the outlook from the nearest dwellings and associated amenity areas on Medora Road.
15. Some of the windows and Juliet balconies at 1-12 Romside Place look directly onto the appeal site. Due to the separation distance and the increase in the bulk and massing of the host building, the proposal would result in an oppressive and unduly enclosed outlook in views from the affected windows and balconies of Nos 1-12. The lack of fenestration and other detailing on this elevation of the proposal would add to the stark and looming presence of the building in these views.
16. Flats within the block of 25-33 Romside Place would also look onto the appeal site. However, these views would be offset due to the relative arrangement of the buildings and I do not consider that the impact on Nos 25-33 would be sufficient to warrant the refusal of permission.
17. On the basis of the appellant's Daylight and Sunlight Study, the Council has concluded that the proposal would not result in a loss of daylight and sunlight to flats on Romside Place. Nevertheless, these matters do not lead me to a different conclusion in respect of the harm to outlook that I have identified.
18. I conclude that, due to its scale, massing and design, the proposal would lead to significant harm to the outlook of dwellings on Medora Road and 1-12 Romside Place which look onto the site, with commensurate harm to the amenity of those premises. The proposal would therefore be contrary to the Framework which seeks to ensure a high standard of amenity for existing and future users of premises.

Transport and Highways Impacts

19. There is vehicle parking provided in the immediate area surrounding the appeal site and the nearby blocks of flats. The proposal would introduce further dwellings into a location where residents may rely on the private car to access services, and they may therefore seek to park vehicles in the area. It is not proposed to provide any additional car parking spaces in association with the proposal, and it has not been demonstrated that the existing parking provision for the flats is capable of absorbing the increase in demand for parking. The increase in parking demand generated by the proposal may therefore lead to vehicle parking being displaced into the surrounding area.

20. The availability of on-street parking spaces in the surrounding area was very limited at the time of my visit, and I am mindful that I visited the site during the day whereas the peak demand for parking in this residential area would be during the evening and at weekends. Based on what I have seen and read, the proposal would lead to an increase in parking pressure in the area and would be likely to result in inconsiderate parking to the detriment of highway safety, and reduce access to parking that nearby residents could reasonably expect.
21. It may be possible to limit the number of residents at the site who could obtain a parking permit for the area, and the Highway Authority has no objections to the proposal subject to a legal agreement to prevent future occupiers of the proposal from obtaining parking permits. However, there is no mechanism before me to ensure that that would be the case.
22. In conclusion on this main issue, the proposal would not make suitable provision for the parking of vehicles and would have an unacceptable impact in respect of transport and highways considerations. The proposal would therefore be contrary to the Framework in respect of promoting sustainable transport.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR