



Appeal Decision

Site visit made on 21 April 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2023

Appeal Ref: APP/B5480/W/22/3306780

69 Wingletye Lane, Hornchurch RM11 3AT

- 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 Mrs N Faywaz against the decision of the Council of the London Borough of Havering.
 - The application Ref P0816.22, dated 31 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is described as 'extension to existing ground floor shop and conversion/extension of flat above shop into ground floor shop to form two floor trading area along with rear new storage and office ancillary to shop'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In light of the Council's decision the appellant would have been willing to omit part of the proposed development. However, the appeal process should not be used to advance a proposal and there is no amended scheme before me. A fresh planning application would need to be made to the Council.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the appeal building and the surrounding area; and
 - whether the proposal would result in the unjustified loss of a residential property.

Reasons

Character and appearance

4. The appeal building is a two-storey mid-terrace with a dual pitched roof, sited at the front of the appeal site. It is similar in these regards to others in a parade of ground floor commercial uses and mostly flats above in the Wingletye Lane Local Centre which face this road.
5. A subservient two-storey flat roof rear extension does not project significantly in-depth behind the appeal building. It has a staggered, indented plan form and elevation on one side, set-in from the adjoining property. Beyond this a long, narrow single-storey extension does not rise significantly above boundary walls and fences to the end of the appeal site. While most of this parade of

buildings have been altered or extended at the rear in a variety of ways, the appeal building is one of four in a row that are broadly consistent in external design. This arrangement of built form, building line and step-down in height to the rear is distinctive.

6. The two-storey rear extension would significantly increase the depth and width of the appeal building at first floor level, including up to both side boundaries. Despite a flat roof the substantial increase in building volume and overall scale and massing would enlarge and 'round off' this part of the building in an overly dominant and regimented way. A staircase at the end of the appeal site would be enclosed by a narrow but long and tall 'box' at first floor level. Its isolated position and abrupt step-up in height at the end of the appeal site would have a jarring presence and also be incongruous with nearby single-storey outbuildings associated with dwellings along one side of Halcyon Way.
7. These parts of the proposal would, therefore, be out of keeping with the pattern and sequence of rear extensions in this part of the terrace and nearby outbuildings. This would be conspicuous in perpendicular public views from Halcyon Way or some angled views from Woodhall Crescent, including because of the generally low-level rear boundaries or extensions at the open ends of most plots in this terrace.
8. The proposal would not alter the front of the appeal building or how it fits into the Wingletye Lane streetscene. Most of the flat roof single-storey rear extension would replace and consolidate what already exists on this part of the appeal site with no material difference in height.
9. Nevertheless, I find that the proposed first-floor rear extensions would cause harm to the character and appearance of the appeal building and to the surrounding area. Consequently, the proposal does not comply with Policy 26 of the Havering Local Plan November 2021 (the LP). This policy includes that proposals should respect distinctive local building forms and patterns of development and be complementary in terms of scale, massing, building lines and heights.
10. The Council also cited LP Policy 13 in its first reason for refusal which relates to town centre development. I find no conflict with this policy.

Residential property

11. Though it has been vacant, for planning purposes the first floor two-bedroom flat is a residential property. It would be used as part of the proposed shop and result in the loss of this unit of living accommodation.
12. Ensuring an adequate supply of housing so that residents in the Borough can live locally is an objective of the LP. Amongst other things, the Council seeks to achieve this by maintaining the existing housing stock. There is no evidence that the flat has been marketed for sale or rent or to explain why any interest did not proceed any further.
13. It is accessed from Halcyon Way and entered via an external staircase at the rear of the appeal building. This means passing through parts of the appeal site also used by the existing shop. However, there is no evidence that the flat is uninhabitable. Moreover, this sort of rear access to flats above shops is not unusual and the absence of private external amenity space is not uncommon, as is evident at some of the adjacent properties. While these arrangements

may not suit some older or younger people, there is no apparent reason why the flat could not be accessed or lived in satisfactorily by others, including a small family.

14. I am not, therefore, satisfied the appellant has demonstrated that there is no need to retain the flat. Consequently, I find that the proposal would result in the unjustified loss of a residential property in conflict with LP Policy 3. This policy resists the net loss of residential development and seeks to bring back empty residential properties into use.

Other Matters

15. There is no objection in principle to the proposed shop use because it would be compatible in the Wingletye Lane Local Centre. Local residents did not object and the proposed shop has received positive local press interest.

Planning Balance

16. Investment in the appeal building and an expansion of shop use would enhance the vitality and vibrancy of this local centre and benefit local residents. These are notable economic and social factors and commensurate with the proposal's modest scale have moderate weight in its favour.
17. Set against this, a large part of the proposal would have an unacceptable adverse impact on the character and appearance of the appeal building and the surrounding area and also result in the loss of a residential property, in conflict with the development plan. These important environmental and social considerations have significant weight in this appeal.
18. The benefits would not, therefore, outweigh the totality of the harm.

Conclusion

19. The proposal does not accord with the development plan taken as a whole. There are no additional considerations to outweigh this finding. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not succeed.

Robin Buchanan

INSPECTOR