



Appeal Decision

Site visit made on 24 October 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2023

Appeal Ref: APP/B5480/W/23/3319916

Scottish Mutual House, 27-29 North Street, Hornchurch, Havering RM11 1RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Raja Seeralan of Seetha Creations Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref J0022.22, dated 25 October 2022, was refused by notice dated 7 December 2022.
 - The development proposed is for prior approval for the upward extension of the existing building by two floors to create 10 x studio, one bed and two bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a Fire Statement in response to the second reason for refusal. The Council's appeal statement refers to insufficient time to consult Planning Gateway One on this document, but it subsequently provided a response from the Health and Safety Executive (HSE). As the Planning Practice Guidance refers to the HSE being a statutory consultee on proposals for applicable high-rise residential buildings under Planning Gateway One, I accepted the HSE response provided by the Council and the appellant had the opportunity to comment on it. I have taken the Fire Statement and the HSE's comments on it into account in my decision on the appeal.
3. The parties refer to recently approved applications for the site, including prior approvals for the upward extension of the building by one floor to create flats (ref J0003.23) and for the change of use of the first, second, third and fourth floors to dwellings (ref J0028.21). The appellant indicates that the change of use is currently being implemented. I have taken these matters into account in my decision.

Background and Main Issues

4. Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building in commercial or mixed use. The implementation of the prior approval for change of use to residential under ref J0028.21 would not affect the proposal qualifying under this class of the GPDO.

5. Development is permitted under Class AA subject to the limitations set out in paragraph AA.1 and the conditions set out in paragraph AA.2, which include matters in respect of which the developer must apply to the local planning authority for prior approval.
6. The Council refused the prior approval on the basis that it does not meet the conditions in paragraphs AA.2 (1)(e) and AA.2 (1)(l) relating to the external appearance of the building and the fire safety impacts on the intended occupants of the building. Therefore, the main issues are:
 - the effects of the proposed development on the external appearance of the building; and
 - the fire safety impacts of the proposal on the intended occupants of the building.

Reasons

External appearance

7. The site comprises a five storey functionally designed building set back from North Street. Two and three storey buildings predominate to the south and on the other side of the road. The area to the north is relatively open, comprising a car park with some landscaping and street furniture. Beyond this is an open space and the Queens Theatre.
8. The proposed development would add two storeys with similar floor heights and design to the existing building. The horizontal front appearance of the structure would be replaced by a squarer building form, with a significantly increased mass. The proposed extension, due to its height and extent across the whole footprint of the building with no set backs, would be a bulky addition to the property.
9. The existing structure is taller than other nearby properties but extending it to seven storeys would create a building which would tower significantly above others in the locality. Some views of the extended structure from North Street would be interrupted due to its set back position relative to existing buildings and street trees. However, due to its scale, height, and location adjacent to a large open car park, the addition would be highly prominent in views when travelling southbound along North Street, particularly closer to the site and in autumn and winter months when many trees are not in leaf. Therefore, the proposed extension would be dominant and discordant in the street scene.
10. The proposed development would be visible from Langtons Conservation Area (CA) and the grounds of the grade II listed Queens Theatre but neither party has stated that it would be within their settings. The development would not be within the key views and view points set out in the Conservation Area Appraisal and would be some distance from the heritage assets, with a car park separating them. From my observations on site, I am satisfied that the settings of the CA and listed building would not be harmed.
11. Overall, I conclude that the proposed development would harm the external appearance of the building. So far as relevant to this issue, the proposal would be contrary to the National Planning Policy Framework (the Framework) where it requires developments to be sympathetic to local character. As such, the

proposal would fail to satisfy condition AA.2 (1)(e) of the GPDO and prior approval should not be granted.

Fire safety impacts

12. The appellant submitted a Fire Statement with the appeal documents which includes site layout and height information, a building schedule and details of access and facilities for fire and rescue services.
13. To meet fire safety standards, the HSE indicates that design changes would be necessary, including changes to, and the provision of, alternative staircase accesses and the separation of these from existing uses, the provision of a firefighting shaft and additional hydrants, and changes to the external wall system. These alterations would affect the design and appearance of the development, amongst other things.
14. The appellant indicates that the building would need to be registered under the Building Safety Act, requiring a Fire Strategy Risk Assessment, and that a sprinkler system is already being installed on the lower floors. However, the evidence indicates that the proposal would not provide satisfactory fire safety arrangements and design changes that are not accommodated in the appeal proposal would be needed to overcome these.
15. Therefore, I conclude that the proposal would have harmful fire safety impacts on the intended occupants of the building. So far as relevant to this issue, the proposed development would be contrary to the Framework where it requires development to create places that are safe. As such, the proposal would fail to satisfy condition AA.2 (1)(I) of the GPDO and prior approval should not be granted.

Other Matters

16. Reference has been made to several other matters, including the Council's housing land supply, the location and accessibility of the site, intensification of use, living conditions, and the low risk of flooding, but I am required to determine the appeal based on the external appearance of the building and the fire safety impacts on the intended occupants of the building as required under the GPDO.

Conclusion

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

A Wright

INSPECTOR