



Appeal Decision

Site visit made on 16 January 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/B5480/W/23/3316500

54 St Marys Lane, Upminster RM14 2QP

- 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 Miles on behalf of JPB Harris and Co Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P1922.21, dated 4 October 2021, was refused by notice dated 21 December 2022.
 - The development proposed is described as demolition of existing building and erection of a replacement building to include 5 x 2-bed self contained flats, with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted to the Council during the course of the planning application process, which reduced the number of apartments from 6 to 5. Although both sets of plans are before me, I have determined the appeal based on the plans that are referenced on the Council's decision notice. Given the change in the number of flats, I have taken the proposal description from the appeal form and decision notice.
3. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. The Housing Delivery Test (HDT): 2022 was also published on 19 December 2023. I have consulted both main parties on the latest version of the Framework and HDT and taken all comments received into consideration when making my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposal would achieve a satisfactory mix of dwellings.

Reasons

Character and appearance

5. The appeal site is located on the corner of St Marys Lane and Boundary Road. There is an existing, two storey detached building on the site, which has a

pitched roof. The building comprises of a commercial unit on the ground floor, which is now vacant and a flat above. The existing building has single storey front and side projections.

6. The area is predominantly residential in character; however, other uses are present within the locality including educational, community and commercial. The area has a varied character. St Marys Lane is characterised by a range of house types including apartment buildings, semi-detached houses and bungalows. The development along Boundary Road is more low key and consists primarily of two storey residential properties. There is a secondary access to a school off Boundary Road, but the two storey buildings within the school complex are set back some distance from the highway and partially screened by a high boundary wall. As a result, the school buildings are not a prominent feature within the street scene when viewed from Boundary Road.
7. At the time of my site visit a new residential development was under construction on the opposite side of Boundary Road, adjacent to the junction with St Marys Lane. The building under construction is three storeys high, with a flat roof. The lower floors comprise of projecting and set back elements and are constructed of brick and render. The top floor is set back and is of a different material.
8. To the west of the appeal site is a community hall, which is single storey in height. The community hall is set back some distance from the highway with garages to the front. The level of land drops downwards towards the west. Consequently, the appeal site lies on lower level land than Boundary Road, but on higher level land than the community hall and garages. Given the change in levels, the rear elevation of the existing building is prominent in views from St Marys Lane, over the existing garages.
9. On the opposite side of St Marys Lane is a large, three storey apartment block, which has a flat roof. This apartment block has projecting and set back elements and steps down in height to respond to the changing topography.
10. The proposal seeks to provide a new detached building, which would provide 5 nos 2 bedroom flats. The proposed building would be two storeys high, with further accommodation provided within a mansard roof. In comparison with the existing building, the proposal would have a slightly larger footprint, but would occupy a similar position in its plot. The proposed building would be set in from the corner with St Marys Lane and set back from Boundary Road and would respect the existing building lines on these roads. However, the proposal would result in an increase in bulk and mass at first floor and roof level, when compared with the existing building and would create a more elongated building.
11. With the exception of balconies and the dormer windows in the mansard roof, there would be little in the way of elevational treatment such as projecting elements or set backs to help break up the elongated form of the building. While the existing building is not of high architectural merit, its pitched roof and single storey projecting elements provide a greater level of articulation and minimise the overall bulk and massing, particularly at first floor and roof levels.
12. A wide garage door is proposed on the front elevation, which would provide access to a three bay garage, cycle parking area and bin store. The proposed garage door by reason of its size and siting, would appear as a bland and

prominent feature on the front elevation, which would appear uncharacteristic in this location and unduly conspicuous in the street scene.

13. The proposed rear elevation would be highly prominent in the public realm in views from St Marys Lane and from the car park and pathway adjacent to the community hall. I appreciate that the proposal has been designed to minimise overlooking of adjacent land and that the provision of fenestration and change in materials would provide some visual relief from the extent of brickwork. However, the proposed development by reason of its bulkier roof form and increase in massing at first floor level would increase the prominence of the building in this view. Like the front elevation, there is little in the way of articulation such as projecting features to help break up the elongated form of the building.
14. While an existing fence would partially screen the ground floor of the southern (side) elevation from Boundary Road, the first floor and roof would be highly prominent in the street scene. Although the changes in materials would provide some visual interest, the windows on this elevation would be particularly small, resulting in a very bland appearance. I appreciate that the proposal would be of a similar height to the adjacent residential property and not significantly higher than the existing building. However, the neighbouring property and existing property have traditional pitched roofs and as a result they do not appear as bulky at roof level when compared to the appeal scheme.
15. The replacement of the existing hardstanding with soft landscaping would have environmental benefits and help to green the street scene. On my site visit, I also noted properties in the locality with mansard roofs and other properties constructed with red bricks. As a result, I do not find that the principle of providing a mansard roof or using red bricks would be out of character in the area. Nevertheless, this does not outweigh the harm that I have identified above.
16. For the reasons given above, the proposed development would be harmful to the character and appearance of the area. The proposal would conflict with Policies 7 and 26 of the Havering Local Plan 2016 – 2031 (the Local Plan), adopted November 2021. These policies among other things require that residential development is of high quality design and that new development respects, reinforces and complements the local street scene.
17. The proposal would also conflict with the Framework, which seeks to achieve well-designed and beautiful places and requires that new development is visually attractive as a result of good architecture.

Dwelling mix

18. Policy 5 of the Local Plan states that all housing schemes should include a proportion of family sized homes and reflect the recommended housing mix. For market housing the Local Plan recommends that a scheme provides 5% as 1-bed units, 15% as 2-bed units, 64% as 3-bed units and 16% of units with 4 or more beds. The policy does allow for variations to the recommended mix, but states that these must be robustly justified, having regard to individual site circumstances including location, site constraints, viability and the achievement of mixed and balanced communities.

19. The Council advises that within flatted schemes, developers should be creative with their approaches to providing family accommodation and should demonstrate how they have considered the provision of family units, such as duplexes at ground floor level.
20. The proposal seeks to provide 5 nos 2 bed units, which would fail to accord with the housing mix set out in Policy 5 of the Local Plan. The appellant argues that as the site is located on a corner, adjacent to a main thoroughfare that it is not well suited to providing family housing. Furthermore, the appellant states that due to the site being constrained on all sides, the proposal would not provide high quality outdoor amenity space, suitable for a family. Given the location of the site in relation to local train stations, the appellant considers that the proposal would be more suitable for housing for commuters or first time buyers.
21. The site is located in an accessible location, close to services, facilities and public transport links. On my site visit, I noted other family sized housing along St Marys Lane and Boundary Road. As a result, I find that the site location would be suitable for family sized units and see no reason why a scheme could not come forward which includes larger 3 bed units, while providing some outdoor amenity space. The appellant argues that the proposed 2 bedroom flats may be able to accommodate young families for their first few years and that there is already an abundance of family housing stock in the area. Nevertheless, the proposed development would fail to provide an appropriate mix of dwellings to ensure mixed and balanced communities.
22. For the reasons given above, I conclude that the proposal would not achieve a satisfactory mix of dwellings. The proposal would conflict with Policy 5 of the Local Plan, which requires that all housing schemes include a proportion of family sized homes. The proposal would also conflict with the Framework, which among other things requires that the size and type of housing reflects local housing need.

Other Matters

23. I acknowledge that the Inspector for the consented scheme on the opposite side of Boundary Road¹ did not find any harm in relation to character and appearance. However, the consented scheme does not have such elongated elevations. It has projecting and set back elements and a more varied palette of materials, which help to break up the elevations. It therefore differs considerably in design to the appeal scheme before me.
24. The appellant also argues that the Council is not being consistent in its decision making as it raised no objection to the dwelling mix for the consented scheme, which proposed a mix of 1 and 2 bedroom flats. However, the Council made their decision on the scheme opposite, prior to the adoption of the Local Plan. The consented scheme was assessed against different planning policies and is materially different in design and is therefore not comparable.

Planning Balance and Conclusion

25. The latest Housing Delivery Test results show that the Council delivered 55% of its housing requirement in the last 3 years, which is a substantial shortfall. Consequently, paragraph 11 d) of the Framework is engaged. Paragraph

¹ APP/B5480/W/21/3269451

- 11(d)(ii) of the Framework confirms that in circumstances such as these, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply, promote the effective use of land, provide housing within locations that have good accessibility to services/facilities and public transport links and provide safe developments that promote health and well-being. It would also provide a net gain of 4 new dwellings, which would make a modest contribution towards the Council's housing land supply. The proposal would also provide energy efficient homes, which would incorporate renewable energy technologies. The proposed planting and soft landscaping would also have an environmental benefit.
27. Overall, the benefits of the scheme carry moderate weight in favour of the development. However, against these benefits, there would be significant harm to the character and appearance of the area and the proposal would also fail to provide an appropriate mix of dwellings to meet the borough's identified local housing need. The Council's Local Plan was adopted in 2021 and the policies within it would have been scrutinised against the Framework. I am satisfied that the requirements of Policy 5 are justified and accord with the Framework. As a result, I give Policy 5 of the Local Plan significant weight in my decision.
28. The Framework requires that development seeks to achieve well designed and beautiful places and seeks to ensure that there is an appropriate mix of housing types for the local community. I have concluded that the proposal would conflict with Policies 5, 7 and 26 of the Local Plan, which are broadly consistent with the Framework. The conflict with the development plan carries significant weight against the scheme.
29. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
30. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, which would outweigh that conflict. Therefore, the appeal is dismissed.

A James

INSPECTOR