



Appeal Decision

Site visit made on 14 May 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2024

Appeal Ref: APP/B5480/W/23/3334897

The Cranleigh, 84 Station Lane, Hornchurch, Essex RM12 6LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Christine McKenzie against the decision of the Council of London Borough of Havering.
 - The application Ref is P1364.23.
 - The development proposed is the demolition of the existing restaurant with the construction of a two storey building with roof level accommodation to provide 9 apartments (1 No. x 3 bedroom & 8 No. x 2 bedroom) with private and communal amenity spaces, on-site parking, new boundary wall with cycle and bin storage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing restaurant with the construction of a two storey building with roof level accommodation to provide 9 apartments (1 No. x 3 bedroom & 8 No. x 2 bedroom) with private and communal amenity spaces, on-site parking, new boundary wall with cycle and bin storage at The Cranleigh, 84 Station Lane, Hornchurch, Essex RM12 6LX, in accordance with the terms of the application, Ref P1364.23, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area, including nearby trees;
 - The living conditions of future occupiers with particular regard to private amenity space and outlook; and,
 - The mix of housing sizes in the area.

Reasons

Character and appearance

3. The appeal site is located at the junction of Station Lane and Stanley Road, in what is a predominantly residential area. There are a range of housing types to be found here, including purpose built flats and detached, semi-detached and terraced houses, which are of a generally traditional design. A number of these properties have been altered or extended over time.
4. There are mature trees in a number of residential gardens throughout the area, including in the vicinity of the appeal site. Many of the front gardens to these properties have been converted to private vehicle parking spaces. Station Lane is a reasonably busy main road and bus route and the appeal site occupies a visually prominent position.

5. The original 2-storey building at the appeal site is constructed of bricks and has a slate roof. It has been extended significantly in the past, commensurate with its use as a bar / restaurant. Elements of the original Edwardian design remain, particularly the projecting gable on Station Lane, and the brick walls and slate roof are characteristic of the original building. However, the single storey flat-roofed and rendered function room at the rear is out of keeping with the design and materials of the original building.
6. The appeal proposal would entail the demolition of the existing building on the appeal site and the construction of a new 2.5 storey brick building. The scale and massing of the proposed building would be significantly larger than the existing building, the detached building to the south on Station Lane and the semi-detached dwellings to the west on Stanley Road.
7. The proposed building would contain nine flats and would be served by a lift and staircase. The ground floor dwellings would each have private amenity spaces with brick walls and railings, with screening vegetation behind. There would also be a communal amenity space to the rear of the building, together with a separate bin store / bicycle store, and parking provision for seven vehicles including space for a disabled person's vehicle, with access from Stanley Road.
8. From Station Lane, the existing building, despite its alterations, is not out of keeping with the character and appearance of the area. Whilst it has been significantly extended, sufficient remnants of the original Edwardian building are visible to the front and remain legible, although this is much less the case in views of the rear from Stanley Road.
9. The proposed design of the appeal development would be a pastiche of Edwardian architecture, including two projecting gables at the front with recessed balconies and stucco details. However, none of the existing Edwardian elements would be retained and this would be a wholly new building designed for contemporary residential use. The scale and massing of the building would be substantially greater than the original Edwardian building on the appeal site and the next door building to the south, and significantly greater than the existing building.
10. Furthermore, the proposed building contains numerous contemporary design features, including the central flat roof with rooflights, the flush rooflights on the front and side roof slopes, the top floor roof garden, the projecting rear balcony, and the various upvc doors and windows. These serve only to emphasise this is a contemporary building, but one which has been 'decorated' with Edwardian features to create a visually discordant and harmful pastiche.
11. I note the design evolution of the proposal and the appellant's assertion that converting the existing building would not deliver nine dwellings to modern building regulations standards. No substantive evidence has been provided to support this but equally, there is no compelling evidence to show the proposal would conflict with the development plan or national planning policy in this regard.
12. The nearby flat developments at 68 and 70 Station Lane, are a short walking distance to the north, and the appellant has provided reports, drawings and decision notices for these developments. I observed these properties from

nearby streets, and the scale and massing and corner positions of these developments are not dissimilar to what is proposed at the appeal site.

13. These buildings were considered acceptable by the Council and now contribute to the mixed character and appearance of the wider area. However, I note the development plan and the National Planning Policy Framework have both changed since these developments were approved. Furthermore, the contemporary design of these buildings is markedly different to the pastiche design of the proposed development.
14. Whilst I do not consider the general scale and massing of the proposed building to be unacceptable on the appeal site, the combination of the scale and massing with the pastiche design elements would cause significant visual harm. Together with its prominent position, this would make it a visually obtrusive feature.
15. The Council has also raised concerns the proposed development would adversely affect trees in the rear garden of the next door property to the south. These trees, which are not subject to any statutory protections, make a limited positive contribution to the character and appearance of the area.
16. The existing single-storey rear extension by the boundary to the property to the south would be removed and largely replaced by the proposed communal amenity space and private amenity space for ground floor flat 2. The appellant considers this would be beneficial with regard to the health of these trees.
17. However, notwithstanding this, the footprint of the proposed building would extend to close to the easternmost trees. No substantive evidence has been provided by either of the main parties regarding the likely extent of these tree roots or their depth, or whether the foundations of the proposed building would encroach on them and so adversely affect their health.
18. Whilst I cannot be sure the proposal would cause harm to the roots of the trees, its proximity means this is likely, and it has not been demonstrated this would not be the case. The deterioration or loss of one or more of these trees would cause limited harm to the character and appearance of the area. Whilst the proposal includes further tree planting nearby, which could offset some of the harm, it would take a considerable number of years for the proposed trees to reach a comparable size to the existing ones at the next door property.
19. For these reasons, the proposed development would adversely affect the character and appearance of the area. It would, therefore, conflict with Policies 27 (landscaping) and 26 (urban design) of the Havering Local Plan 2021 (the HLP), with Policy D4 (delivering good design) of the Spatial Development Strategy for Greater London 2021 (the LP) and with the National Planning Policy Framework December 2023 (the Framework), in this regard.

Living conditions

20. Each of the proposed flats would have some private outdoor space, either as a small garden area for the ground floor units or as balconies, for the upper floor units. As previously mentioned, the ground floor garden boundaries would be marked by walls and railings up to 1.8 metres in height, and would be screened from view by hedge-type planting.

21. Whilst it may take a little time for the boundary planting to reach a height and thickness to fully screen these private spaces, a requirement for appropriate and mature shrubs to be planted around the boundary could be attached to any grant of planning permission to address this, were the appeal to be allowed.
22. A similar approach to screening has been used around parts of the boundaries of Nos 68 and 70 Station Lane. Whilst there are some differences between the appeal proposal and these developments, the screening vegetation there provides a reasonable separation between the public and private realms.
23. The outdoor space for the two rear ground floor flats has a functional narrow shape and would offer only a very limited outlook. Nevertheless, there is sufficient room for occupiers to sit-out and there would be a greater area of space than is proposed for the upper floor balconies. Together with the communal garden space, I am satisfied that the quantum and quality of private outdoor space would not be unacceptable.
24. The Council is also concerned with the single aspect balcony at flat 6, which would overlook the rear garden, the car park and the bin/bicycle store. Whilst this is a limited outlook, together with the communal garden space I consider this to be acceptable.
25. For these reasons, the proposed development would not cause unacceptable harm to the living conditions of future occupiers with particular regard to private amenity space and outlook. It would, therefore, accord with Policy 7 (residential design and amenity) of the HLP and with the Framework, in this regard.

Housing mix

26. The appeal development would contain one 3-bedroom dwelling in the roof space, with eight 2-bedroom dwellings on the ground and first floors, making a total of nine dwellings.
27. In terms of market housing such as this, the Council is seeking to focus on the delivery of 3-bedroom dwellings, instead of 1/2/4+bedroom dwellings¹. Notwithstanding the limited scale of this development, the mix of dwellings proposed by the appellant is, therefore, highly inconsistent with the Council's clear focus in the HLP.
28. The appellant has provided a very limited justification for their approach to the proposed housing mix. This would be on the basis that increasing the number of 3-bedroom dwellings would reduce the overall number of dwellings on the site, and that a much greater quantum of development would be needed in order to increase the number of 3-bedroom dwellings towards what the Council is seeking. No viability assessment or compelling evidence has been provided to support the appellant's position in this regard.
29. The appellant makes reference to the Nationally Described Space Standards (NDSS), which set minimum gross internal floor areas for different size / occupation level dwellings. Flat 9 is more than double the acceptable size for a 3-bedroom/6-person dwelling on a single floor contained in the NDSS, whilst several of the 2-bedroom dwellings, including those intended for three and four persons, are larger than the minimum standards contained in the NDSS.

¹ Table 5 Borough wide housing mix under Policy 5 (housing mix) of the HLP.

30. The appellant considers the theoretical possibility of amalgamating units 5 and 6 together to provide a 'family' unit, but does not consider the theoretical possibility of dividing unit 9 in two in a similar way. Whilst I would not assume that the 3-bedroom unit could necessarily be easily divided into two in order to meet the NDSS, this would actually increase rather than decrease the number of dwellings and I would expect the appellant to have considered this in their evidence.
31. I do not consider the appellant's interpretation of the wording of Policy 5 of the HLP to be compelling; the recommended housing mix should be reflected in all housing schemes unless it can be *robustly demonstrated* that a variation to the mix is justified. Such a demonstration would need to consider *the individual site circumstances including location, site constraints, viability and the achievement of mixed and balanced communities*.
32. Whilst there are a considerable number of flats along this part of Station Lane, it is not clear to me why this would be relevant to the mix of housing. Reference is also made to there being no provision of a family unit at 68 Station Lane, yet this was approved several years before the adoption of the HLP containing Policy 5.
33. Clearly, not every site will deliver the housing mix set out in Table 5 of Policy 5 of the HLP. Nevertheless, and despite the clear wording of the policy in this regard, the appellant has provided no compelling evidence to justify their proposed housing mix, including why a greater number of 3-bedroom dwellings would not be achievable in this case.
34. For these reasons, the proposed development would adversely affect the housing mix of the area. It would, therefore, conflict with Policy 5 of the HLP and with the Framework, in this regard.

Planning Balance

35. The proposed development would not cause unacceptable harm to the living conditions of future occupiers but this would be outweighed by the significant harm to the character and appearance of the area and the inadequate mix of housing sizes.
36. However, the Council accepts that it cannot currently demonstrate a deliverable five year housing land supply and has delivered only 1636 new homes between 2019/20 and 2021/22, against an identified requirement of 2968 new homes, just 55%. With reference to paragraph 11d) of the Framework, consideration of the presumption in favour of sustainable development is needed.
37. There would be some benefit in the delivery of nine additional market homes, including one 3-bedroomed dwelling, in a sustainable location in the London Borough of Havering, where the latest HDT figures indicate a substantial under-delivery of new homes in recent years and there is no deliverable five year housing land supply. There would also be some limited short-term social and economic benefits linked to the construction of these dwellings and longer-term upon occupation.
38. The proposal would be generally accessible to all, including the provision of a disabled car parking space and a lift to all floors; the Council considers it is capable of achieving M4 (2) standards of the building regulations and this would be a benefit of the proposed scheme.

39. The Council and appellant have referenced a number of development plan policies in their evidence that they consider relevant to the appeal proposal. I have considered these policies, and their consistency with the Framework.
40. I am satisfied the policies are generally consistent with the Framework and that the proposal would accord with a number of development plan policies, including most importantly, those in relation to the living conditions of future and nearby occupiers, the delivery of sustainable new homes, making effective use of land, accessibility and inclusion. With reference to paragraph 225 of the Framework, I attach substantial weight to this.
41. However, the proposal would also conflict with a number of development plan policies, including most importantly those with regard to good quality design and protecting the natural environment. Again, with regard to paragraph 225 of the Framework, I attach substantial weight to this.
42. The proposal would fail to provide a suitable mix of housing with reference to Policy 5 of the HLP. This policy is deemed to be out of date, given the Council's housing land supply position and recent housing delivery. However, no substantive evidence has been provided that the housing mix under Policy 5 is not needed in Havering and so I give this conflict weight.
43. Insofar as it relates to this appeal, I find the conflict with the development plan would outweigh the accordence. Consequently, I find the proposal would conflict with the development plan as a whole.
44. There are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed².
45. The proposed development would be supported by parts of the Framework. In particular, policies to increase housing supply, to support economic growth, to make efficient use of land and to promote inclusion.
46. However, there would also be conflict with parts of the Framework, including policies to achieve well-designed and beautiful places and to conserve the natural environment.
47. In my view, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
48. The proposal would conflict with the development plan as a whole. However, the presumption in favour of sustainable development is a material consideration, which in this case, causes me to determine this appeal otherwise than in accordance with the development plan.

Other Matters

49. I note the concerns raised regarding parking stress in the area and that the proposal would worsen this. No substantive evidence has been provided to demonstrate the area suffers from a severe problem of on-street parking, and I note the current use of the building is also likely to attract a significant number of vehicles at particular times. Whilst the proposed development would

² Paragraph 11 d) i

only provide seven car parking spaces for nine dwellings, the site is quite accessible. It is located on a bus route and close to an underground station and Hornchurch town centre. From the limited evidence before me, I do not consider the appeal proposal would result in significant harm in this regard.

50. I also note the comments from neighbouring residents concerning the loss of the existing facility and the impact of the proposal on the area, including with regard to GP capacity and school places. The loss of the existing facility, which has no particular status is not a matter for me to consider, whilst no substantive evidence regarding current health and education capacity is before me.
51. One of the nearby residents is said to be disabled, which is a protected characteristic under s149 of the Equality Act 2010. This resident has raised concerns that the construction phase in particular is likely to adversely affect their condition. Furthermore, they have also raised concerns that increased noise and disturbance would affect their and their spouse's sleep, given they work shifts including at night.
52. I have considered these points with regard to the Public Sector Equality Duty in the Equality Act 2010 and I have also had regard to the Human Rights Act 1998, which enshrines in UK law most of the fundamental rights and freedoms contained in the European Convention on Human Rights. These include Article 8 – right for respect for private and family life.
53. The construction of the proposal would be likely to increase noise, disturbance, dust and fumes, which may affect nearby occupiers. However, this would be for a limited duration and the effects can be mitigated to some extent with appropriately worded conditions. Article 8 is a qualified right whereby interference may be justified in the public interest, subject to the conditions provided for by law and as are necessary in a democratic society. In this case I am satisfied that the limited interference with Article 8 would be proportionate and necessary in the public interest.

Conditions and Conclusion

54. I have considered the conditions suggested by the Council were the appeal to be allowed with reference to the six tests for conditions listed at paragraph 56 of the Framework, and made alterations as necessary.
55. In addition to the standard commencement condition, a condition listing the approved drawings would be necessary for reasons of certainty.
56. A condition requiring the details of the proposed finishing materials to be approved would be necessary to protect the character and appearance of the area.
57. Conditions requiring the approval and implementation of a Demolition Management Statement and a Construction Management Statement and specifying the hours of working at the site would be necessary to protect the living conditions of nearby occupiers.
58. Conditions requiring the approval and implementation of a surface water drainage strategy, and schemes for waste and recycling and bicycle storage would be necessary to protect the living conditions of future occupiers.

- 59. Conditions requiring the approval and implementation of a landscaping scheme and an external lighting scheme would be necessary to protect the character and appearance of the area, and the living conditions of future and nearby occupiers.
- 60. A condition requiring the approved car parking layout to be implemented would be necessary for reasons of public safety.
- 61. Conditions requiring the provision of electric vehicle charging infrastructure, ultra-low emission boilers and to limit the provision of consumable water would be necessary in order to address climate change and local air quality management.
- 62. A condition requiring compliance with accessibility and adaptability standards in the Building Regulations would be necessary for reasons of social inclusion, and a condition requiring specified windows to be obscure-glazed and permanently closed would be necessary to protect the living conditions of future and nearby occupiers.
- 63. For the reasons given above I conclude the appeal is allowed and I am satisfied this is a proportionate decision.

Andrew Parkin
INSPECTOR

Conditions Schedule

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1947/01B
 - 1947/03B
 - 1947/04
 - 1947/05
 - 1947/06B
 - STH 801 001 01
 - STH 801 001 01
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No works shall take place in relation to any of the development hereby approved until a Demolition Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Demolition Method Statement shall include details of:
 - a) Dust management control (including reference to the Control of Dust and Emissions During Construction and Demolition Supplementary Planning Guidance (2014 which was issued by the Mayor of London, which deals particularly with the control of dust and emissions, including the use of non-road mobile machinery);
 - b) Measures for minimising the impact of noise and, if appropriate, vibration arising from demolition activities;
 - c) Details of disposal of waste arising from the demolition works including final disposal points. The burning of waste on the site at any time is specifically precluded.The works shall be carried out in accordance with the approved details.
- 5) No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include details of:
 - a) parking of vehicles of site personnel and visitors;
 - b) details of vehicle cleansing;
 - c) storage of plant and materials;
 - d) dust management controls;

- f) measures for minimising the impact of noise and, if appropriate, vibration arising from predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- g) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- h) siting and design of temporary buildings;
- i) scheme for security fencing/hoardings, depicting a readily visible 24hour contact number for queries or emergencies;
- j) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.

The development shall be carried out in accordance with the approved details.

- 6) Demolition, construction or associated works at the site shall take place only between 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
- 7) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.
 - a. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and,
 - iii. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
 - b. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 8) Notwithstanding the indicative details shown on the plans hereby approved, no works shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority.

The soft landscaping scheme shall include:

- full details of trees to be planted, and full details of the proposed tree pits. Annotated drawings must show: minimum substrate depths; substrate specification; tree accessories including aeration, irrigation, structural root cells, and anchoring; surface treatments; edges together with measures for the protection in the course of development.
- full details, including scaled elevations and plans of the proposed boundary planting around and within the site.
- full details of any works proposed to the existing trees at the neighbouring property to the south of the appeal site.
- full details of measures to protect the existing trees at the neighbouring property to the south of the appeal site, up to and during the construction of the development hereby approved.

The tree protection measures contained in the approved landscaping scheme shall be adhered to throughout the course of the development hereby approved.

All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

The hard landscaping scheme shall include:

- details of hard surfacing sub-base and materials.

- 9) Notwithstanding the indicative details shown on the plans hereby approved, no works shall commence on site until a scheme for the storage and removal of waste and recycling materials has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until refuse and recycling facilities are provided in accordance with the approved scheme; they shall be retained as such thereafter.
- 10) Notwithstanding the indicative details shown on the plans hereby approved, no works shall commence on site until a scheme for the storage of bicycles has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the bicycle storage facilities are provided in accordance with the approved scheme; they shall be retained as such thereafter.
- 11) Before the buildings hereby permitted are first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
- 12) No building shall be occupied or use commenced until external lighting is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The lighting shall be provided and operated in strict accordance with the

approved scheme.

- 13) All residential parking spaces within the development hereby approved shall include provision of infrastructure for electric or Ultra-Low Emission vehicles, of which a minimum of 2 spaces shall have active charging facilities, with passive provision for all remaining spaces. Such provision is to be made prior to the first occupation of the dwellings hereby permitted.
- 14) The development hereby approved shall be fitted with Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard, they should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with these details and shall thereafter be permanently retained.
- 15) The building hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 16) All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
- 17) The proposed oriel windows shown on drawing no. 1947/04 and noted to be fixed with obscure glazing shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall thereafter be maintained and permanently fixed shut.