

Appeal Decision

Site visit made on 13 August 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/B5480/W/23/3333486

Flats 1-10 Cheltenham Court, 20 Haydock Close, Hornchurch, Essex RM12 6EA

- 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 Mr Raj Mahal against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1377.23.
 - The development proposed is replace existing pitch roof with flat roof to create an additional 2X1 bed flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a two storey apartment block which contains several flats and the building is surrounded by a number of car parking spaces. The wider area is residential and is categorised by two storey terraced housing with pitched roofs that are of a similar appearance and style which results in rhythm and uniformity within the streetscene.
4. The existing roof is pitched with dormers providing rooms within the roofspace. There are two separate blocks of flats, and the roof has a staggered height to differentiate and create a break between the two blocks. While the building is set back from the street it still forms a part of the wider rhythm and uniformity within the street scene through the continuation of the pitched roofs.
5. The proposal would alter the existing pitched roof and create a flat roof to provide two additional flats. Flat roofs are not common features within the area, and the additional bulk and mass from the proposed development, combined with the flat roof design would be incongruous and jarring within

the street scene. The result would upset the rhythm and uniformity which is characteristic of the area.

6. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policies D1, D3 and D4 of the London Plan 2021, Policies 7 and 26 of the Havering Local Plan 2016-2031 Adopted November 2021 (LP), Paragraph 135 of the National Planning Policy Framework (the Framework) and the Housing Supplementary Planning Guidance March 2016. Amongst other things, these seek to ensure that development is of high quality and respect and compliment the distinctive character of the local area.

Other Matters

7. The Council have found that the proposed flats would comply with minimum space standards, provide adequate cycle and car parking spaces and would not unacceptably harm the living conditions of neighbouring occupiers. While I have no reason to conclude otherwise, these are neutral matters.
8. The appellant has also referred to properties on Bevan Way, some of which are three storey flats. I do not have the full details of these applications before me and in any case, each case should be considered on its own merits.
9. However, in regard to these properties, while there are three storey flats nearby, the character and appearance of Bevan Way differs from the appeal site in that there is a group of flats and a shopping parade with accommodation above and these properties also do not have flat roofs.

Planning Balance

10. The proposal would be contrary to Policies D1, D3 and D4 of the London Plan 2021 and Policies 7 and 26 of the LP. These Policies are consistent with the Framework in focusing on ensuring that proposals establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.
11. The Council conceded that it is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
12. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. This attracts significant weight in favour of the proposed development. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. Although this is tempered by the fact that the proposal is only for two dwellings.

13. In this instance, the harm to the character and appearance of the area would significantly and demonstrably outweigh the very modest benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
14. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

15. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR