

Appeal Decision

Site visit made on 21 August 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2024

Appeal Ref: APP/B5480/W/23/3332692

Travis Perkins Builders' Merchant, Rainham Road, Rainham RM13 8ST

- 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 Travis Perkins Property Company Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0847.23.
 - The development proposed is retrospective application for reconfiguration of external storage racking, consolidation of 2 tool hire compounds into 1 unit, including increase in storage heights, increased height of brick wall and railings, amendment to landscaping, reconfiguration of car parking and associated works.
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Decision

1. The appeal is dismissed insofar as it relates to Area B and Area C on Storage Areas plan ref. V3.0.4.
2. The appeal is allowed insofar as it relates to reconfiguration of external storage racking, consolidation of 2 tool hire compounds into 1 unit, including increase in storage heights, increased height of brick wall and railings, amendment to landscaping, reconfiguration of car parking and associated works (except for Area B and Area C on Storage Areas plan ref. V3.0.4) and planning permission is granted for reconfiguration of external storage racking, consolidation of 2 tool hire compounds into 1 unit, including increase in storage heights, increased height of brick wall and railings, amendment to landscaping, reconfiguration of car parking and associated works (except for Area B and Area C on Storage Areas plan ref. V3.0.4) at Travis Perkins Builders' Merchant, Rainham RM13 8ST in accordance with the terms of the application, Ref P0847.23, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: A5947-04-Rev B Landscaping Scheme, KNS-1363-106 Rev A Site Location Plan, V3.0.2 Proposed, V3.0.5 Elevations (Proposed), V3.0.6 Profiles, and V3.0.4 Storage Areas.

Preliminary Matters

3. Following my site visit, I requested a plan identifying specific storage areas, and this has been submitted by the appellants. This amended plan does not change the nature of the proposal and only relates to a matter of clarification.

No party would be prejudiced if I proceed to determine this appeal on the basis of the amended plan.

4. The application has been submitted retrospectively, and I saw that the development had commenced on site although the extent of storage I observed differed from that on the submitted plans. For the avoidance of doubt, I have determined this appeal on the basis of the submitted plans as amended.
5. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents, including with reference to tool hire compounds. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

6. The main issues are the effect of the proposal on the:
 - Character and appearance of the area, with due regard to the Green Belt; and
 - Living conditions of occupants of 27 Dominion Way with regards to outlook.

Reasons

Character and Appearance

7. The appeal site consists of an established builders merchants, which includes a large building and associated buildings, storage, parking and service areas. The immediate area around the site is residential in character, with an open country park on the opposite side of Rainham Road.
8. The dwellings to the north of the site are set back from Rainham Road by gardens, and those to the south along Dominion Way are set further back beyond an area of landscaping. The main buildings within the appeal site are set further back than the residential building line, although there were extents of parking and storage to the front, albeit the evidence suggests that the storage was not as high as the appeal proposal.
9. The proposal includes 2 storage areas located to the front of the site close to Rainham Road, which have been identified as Area B and Area C.
10. Area C would increase the height of storage to up to 4.5m and would involve the use of racks for the stacking of materials. Due to its height, extent and location to the front of the site beyond the building line, this area of storage would be an overprominent and obtrusive feature in views from the surrounding area and along Rainham Road.
11. Area B would extend to up to 3m high and is located close to the southern boundary with Dominion Way. The appellant indicates that only brick and block paving and bulk bags are proposed along the southern boundary, which they consider represents a less dense form of stock than that on racking. However, it was indicated at my site visit that racking may be used for this area. However, even without racking, the height and bulk of the storage in

Area B would be in a particularly prominent location, including due to the further set back of Dominion Way from the main road which enables a more open view of this part of the appeal site. The proposed storage in Area B would be an obtrusive feature that would lead to a unacceptably cluttered appearance for this part of the site.

12. In respect of both Areas B and C, I also observed that they would be prominent in views from an entrance to the country park opposite the site. This further emphasises the sensitivity of the frontage of the appeal site and its contribution to the character and appearance of the area, and the harm that would arise from these elements of the proposal.
13. There are existing trees around the site, and it is proposed to plant further trees. However, even allowing for the screening effect of the landscaping the unacceptable scale and location of the storage on Areas B and C would still be apparent.
14. A further Area A has also been identified which would include storage up to 3m high. However, this would be set further from the site frontage and would not be unduly prominent or visually intrusive, even allowing for any partial projection beyond the building line of Dominion Way.
15. No concerns have been expressed in relation to other elements of the proposal in respect of this main issue, and based on what I have seen and read I conclude that other elements of the proposal are acceptable.
16. The Council's reason for refusal refers to the character and openness of the Green Belt. However, the appeal site is not in the Green Belt as its boundary is to the east, albeit in close proximity. Although the appeal proposal would be visible from the Green Belt, it would clearly be part of the built-up area and would not harm the openness of the Green Belt or conflict with the purposes of including land within it.
17. Notwithstanding my conclusions in respect of other elements of the proposal and the Green Belt, I conclude that the storage Areas B and C would lead to significant harm to the character and appearance of the area due to their height, bulk and location. The proposal would therefore be contrary to Policy 26 of the Havering Local Plan 2021 (the Local Plan) which seeks to promote high quality development that respects the character of the local area.
18. The proposal would not conflict with Policy G2 of the London Plan 2021 as it is not within the Green Belt and would not harm the Green Belt. Policy 7 of the Local Plan is not relevant to this main issue as it relates to residential design and amenity.

Living Conditions

19. The Council considers that the proposed storage would have an overbearing effect and loss of outlook to residents of 27 Dominion Way. However, although Area B would be visible from the front of No 27, due to the separation distance, angle of view and screening from intervening features, I do not consider that the proposed storage would be unacceptably overbearing or overdominant.

20. Area A would also not project significantly to the front of No 27 and would not be readily visible from the property. In respect of Area A and other storage along the rear side boundary of No 27 there is a significant degree of screening from established trees. It has also not been demonstrated that the effect of the proposal on views from No 27 would be significantly greater than that currently permitted.
21. The proposal includes an increase in the height of a wall/railings along the site boundary adjacent to Dominion Way. However, although the increased height is greater than would typically be found in residential areas, the railings are of a lightweight appearance and the decorative design of the pillars/finials mitigates what could otherwise be a stark and overbearing feature in views from No 27. Due to its design, the wall/railings would not harm the outlook from No 27 and would therefore not harm the living conditions of residents.
22. In conclusion on this issue, neither the storage or the wall and railings would harm the living conditions of residents of No 27 in respect of outlook. The proposal would therefore not be contrary to Policy 7 of the Local Plan in respect of the amenity of residents.

Other Matters

23. I have had regard to the operational needs of the business and the services it provides to the construction industry. However, I do not consider that the operational requirements are of such weight that they justify the scale and location of storage in Areas B and C.

Conditions

24. The Council has suggested planning conditions which I have considered against the advice in the Planning Practice Guidance. I have not imposed a condition in respect of the commencement of development due to the retrospective nature of the proposal. I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.

Conclusion

25. I have concluded that the proposed storage Areas B and C would lead to significant harm to the character and appearance of the area. However, all other elements of the proposal are acceptable, and therefore do not conflict with planning policy, and there are no material considerations that indicate the decision on those elements should be made other than in accordance with the development plan.
26. The relevant elements of the proposal are clearly severable, and I shall therefore issue a split decision to dismiss the appeal in respect of Area B and Area C, but allow the appeal in respect of the other elements of the proposal. In my Decision I have removed reference to the retrospective nature of the proposal as this is not an act of development.
27. For the reasons given above the appeal should be allowed in part and dismissed in part.

David Cross INSPECTOR