



Appeal Decision

Site visit made on 30 September 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2024

Appeal Ref: APP/B5480/W/24/3341896

8 & 9 Convent Close, Upminster RM14 2FA

- 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 and Mrs Dobinson and Mr and Mrs Filler against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1577.23.
 - The development proposed is two storey side extension and internal reconfiguration to both 8 and 9 Convent Close, Upminster.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposals on the character and appearance of the area, including the setting of adjacent listed buildings.

Reasons

3. Convent Close is a residential cul-de-sac comprising two detached dwellings and the converted Convent Heart of the Sacred Mary ('the former convent'), which I understand now comprises apartments. The former convent is Grade II listed.
4. The houses are located to the rear of the convent, beyond a formally laid out communal garden. To the west is situated the Sacred Heart of Saint Mary's School, and some of the more substantial buildings associated with it are visible above the shared boundary.
5. To the East is New Windmill Hall and its associated car park, along with Upminster Report Centre ('the Report Centre'), a complex of civil defence buildings dating from the Second World War which is also Grade II listed. This listing includes two detached linear air raid shelters located at the edge of the car park and close to the boundary of the rear garden of no 8 Convent Close.
6. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, that I have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
7. The significance of the convent is largely derived from its elaborate design, including Gothic Revival features, which make it a good example of a large residence of the late-1800s.

8. The significance of the Report Centre buildings is largely evidential as they form a rare well-preserved example of such a complex and illustrate civil defence arrangements. Although of the austere utilitarian design of many wartime structures, the listing description notes that the surviving buildings are well built. The air raid shelters, although located away from the main buildings, also reflect this significance.
9. As identified by a previous Inspector¹, the houses and former convent are separated by communal gardens, where the rear of the convent faces the principal elevations of the two houses. The development itself has its own character, separate to its wider surroundings, and this distinctive character and high degree of self-containment makes it somewhat unique within the wider area. I agree with these conclusions.
10. I also agree that the two houses, being identical, offer a pleasing symmetry and reflect some of the features and detailing of the former convent. Such details include parapet wall detailing, stone quoins, tile roofs and casement windows. In doing so, they contribute positively to the setting of the listed building.
11. Unlike the proposal considered by the Inspector in 2020, the proposal before me involves extensions to both dwellings. Although relatively large, the extensions would remain subservient in height to the host dwellings by way of a connecting element of lower height. Also, their design and articulation means that they would not be of such width that they would compete with the host dwellings. While the depths of the proposals would be substantial, this would not be read in views of the front of the properties.
12. The gardens provided to the side and rear of the dwellings are commensurate to the size of the dwellings, and would be of adequate size to accommodate the extensions proposed. Accordingly, the proposal would represent appropriately sized and designed extensions to the existing dwellings.
13. Overall, the proposal would retain the symmetry of the pairing, reflecting design details of both the existing dwellings and the former convent, and would be of a scale which would preserve the subservient nature of the two dwellings in comparison to the listed building. Although the side gardens of the houses would be occupied by further built structures, this would not erode the otherwise open nature of the setting of the convent building or the communal garden to any significant degree. Overall, if implemented at both properties, the effect of the proposed extensions upon the setting of the former convent would be, at worst, neutral.
14. The Report Centre would have a less direct relationship with the proposal, being separated by distance and a large boundary hedge. Furthermore, the setting of these structures is already compromised by their location within the car park adjacent to New Windmill Hall. Given these factors, along with the significance of the buildings being evidential, rather than particularly derived from their appearance or design means that the proposals would have a neutral effect on the significance of these assets. This would remain the case should the proposal remain only partly implemented.

¹ APP/B5480/D/20/3254004

15. I am mindful that the previous Inspector dismissed a previous scheme at 9 Convent Close only, primarily on the basis that it would unbalance the pair of dwellings, and result in harm to the setting of the former convent. On the face of it, the scheme before me would overcome these concerns.
16. However, this would only be the case should the scheme be carried out in its entirety. That is to say, that extensions to both 8 and 9 Convent Close were completed. Should this not be the case, then the less than substantial harm to the setting of the former convent identified by the previous Inspector resulting from the unbalancing of the pair of dwellings would occur.
17. As a result, a means of control of the implementation of the scheme would be necessary in order to prevent harm to the setting of the listed building. The main parties, in suggesting conditions on this basis do not dispute this, and I have sought additional comments from them with regards to this matter.
18. Planning Practice Guidance ('PPG') states that conditions requiring a development to be carried out in its entirety should not be used and are likely to be difficult to enforce, and in this particular instance given that both properties are in separate ownership this would be the case. Moreover, such a condition would be unreasonable as it would render either party reliant on works being carried out which would be beyond their direct control.
19. I therefore consider that such a condition would not meet the relevant tests set out in the National Planning Policy Framework ('the Framework') and PPG, and it would not therefore, be appropriate to address this matter by means of a planning condition. There is no other mechanism before me which could adequately address this matter.
20. Accordingly, I cannot therefore conclude that the proposal would preserve the setting of the listed former convent, and on the basis of my reasoning above, I find that it would lead to less than substantial harm to this heritage asset.
21. Havering Local Plan ('HLP') Policy 28 and Paragraph 208 of the Framework state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
22. There would be some economic benefits during construction, however given the minor scale of the proposal, these would be modest in terms of both magnitude and timescale. The screening of parked cars would also be to the benefit of the setting of the former convent, however as the extent of such screening would be unclear should the proposal be only partially implemented, I afford this only very minor weight in favour of the proposal.
23. The proposal would have a negative effect upon the significance of a designated heritage asset and the Framework states that great weight should be given to the conservation of such assets. The public benefits identified would not outweigh this harm.
24. Given the above, the proposal would conflict with HLP Policies 7, 26 and 28. Together, and amongst other factors, these policies state that developments should be informed by, respect and complement the distinctive qualities of their surroundings, and should not affect the significance of heritage assets.

25. The Council has also cited conflict with London Plan Policy 7.4, however this appears to be a reference to a policy within a previous version of the London Plan, which has since been superseded. It has not, therefore, been determinative in my considerations.

Conclusion

26. I have found that the proposal would conflict with the development plan as a whole, and there are no material considerations that indicate a decision should be taken other than in accordance therewith. For the reasons given above, I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR