



Appeal Decision

Site visit made on 6 December 2024

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/B5480/W/24/3345994

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 P0409.24.
 - The development proposed is additional storey to block B to provide 1x1 bed flat and 1x2 bed flat.
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Decision

1. The appeal is allowed and planning permission is granted for additional storey to block B to provide 1x1 bed flat and 1x2 bed flat at Flats 1-10 Cheltenham Court, 20 Haydock Close, Hornchurch, Essex RM12 6EA in accordance with the terms of the application, Ref P0409.24, subject to the conditions in the attached schedule.

Preliminary Matter

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I have not sought further submissions.

Main Issue

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

Reasons

4. The appeal site sits at the end of Haydock Close and has car parking and amenity space around it. The area is predominantly residential and characterised by two storey buildings. However, immediately adjacent to the appeal site is a single storey building in commercial/ community use and to the rear lies an open space including a play area. The topography is slightly undulating, with Haydock Close rising away from the site, and Hacton Lane and the open space sitting at a lower level. Consequently, there is not a strong visual integrity of established scale and rhythm to the surrounding development.
5. The Cheltenham Court properties are in the form of a slightly staggered terrace in terms of height and front elevation, with dormer windows. As a

result, they appear more substantial in scale and mass than the surrounding properties. However, due to the layout of the area, views of the buildings are limited or glimpsed. Consequently, the buildings do not appear unduly prominent or otherwise incongruous.

6. The proposal would see one of the blocks increased in height by one storey. The pattern of fenestration would be continued, as would the use of dormers and rooflights. Due to the layout of the area as set out above, views of the two staggered blocks that comprise Cheltenham Court are limited. The Council refers to the Georgian styling of the existing property. However, it is a recent development within an area of 20th century housing development. The proposed additional storey would not diminish or detract from the design features of the building.
7. The blocks also do not appear as precisely symmetrical due to the staggered layout so the variation in height would not result in the building appearing unbalanced. The topography of the area means that the buildings are not viewed directly on the same level as the surrounding properties which gradually rise away from the site. As a result, the additional storey and increase in the mass of the building would not appear disproportionate or out of scale with the surrounding development. Given the distance to the neighbouring properties, the proposed building would not be overbearing to those properties or otherwise harm their outlook.
8. The proposed development would have an acceptable effect on the character and appearance of the area. It would therefore be in accordance with Havering Local Plan (2021) Policies 7 and 26 which require residential development to be of a high quality design and respect the identity and character of the local area. It would also be in accordance with London Plan (2021) Policy D3 which requires development to respond to the existing character of a place. These policies are consistent with the Framework which requires development to be visually attractive.
9. The Council's decision notice refers to Policies D1 and D4 of the London Plan, adopted March 2021. Policy D1 sets out requirements for Boroughs to undertake character area assessments and plan for growth when preparing Development Plans. Policy D4 concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion. I find neither are directly relevant to the main issues in this case.

Other Matters

10. The site has been the subject of a recent appeal decision¹. I do not have the full details of that proposal before me. However the description of that development involves the replacement of the existing pitch roof with a flat roof. That is materially different from the proposal before me, which I have determined on its own planning merits.
11. The officer report refers to the need for the building to provide lift access with reference to London Plan Policy D5. However that policy does not specify a height beyond which flats must provide a lift. This is also not referenced in the reason for refusal. I have therefore not addressed this matter further.

¹ APP/B5480/W/23/3333486 dismissed 28 August 2024

12. As I have found that the proposal would comply with the development plan, paragraph 11c) of the Framework applies which requires development which accords with an up-to-date development plan to be approved without delay.

Conditions

13. The Council has suggested conditions should I be minded to allow the appeal. I have had regard to these in light of the tests set out in paragraph 57 of the Framework and I have made amendments to some of them for consistency and clarity purposes. In the interests of certainty, I have imposed conditions stipulating the timescale for the commencement of works and the approved plans.
14. It is reasonable and necessary to require details of materials to be agreed in the interests of the character and appearance of the area. Given the proposal would be readily visible, it is appropriate to require samples of the materials to be submitted.
15. It is reasonable and necessary to limit the hours of operation when construction works could cause disturbance to surrounding occupiers. It would not be reasonable to restrict the playing of amplified music and I have amended the condition to remove this requirement.
16. London Plan Policy SI 5 requires that water consumption be limited to 110 litres or less per person per day, therefore a condition is reasonable and necessary. I have reworded the condition to ensure it is precise and enforceable.
17. Conditions requiring the provision of refuse and cycle storage are reasonable and necessary in the interests of the character and appearance of the area and to promote the use of sustainable modes of transport respectively. However, the location of the bin stores and three of the cycle parking spaces shown on the approved plans would not be acceptable due to their proximity to the windows of the ground floor flats. Amended details can be secured by condition. It may be that this gives rise to the need for new areas of hard standing and it is reasonable and necessary to ensure that these are permeable.
18. While car parking is already provided, it is reasonable and necessary to secure its retention in the interests of highway safety. I have amended the suggested condition to a compliance condition. No new parking spaces are being provided, however in light of the requirements of the London Plan, I consider it is reasonable and necessary to require that two of the parking spaces provide electric vehicle charging points.
19. The flank wall of the proposal would face towards a commercial/ community facility and a main road beyond which is an open space. The removal of permitted development rights in the interests of privacy would therefore not be necessary. While the development does contain policies which seek to improve air quality and reduce emissions, these do not specify that a more efficient standard of boiler than that permitted by other regulations should be provided. I therefore consider requiring boilers to meet certain standards to not be reasonable.

Conclusion

20. For the reasons given above the appeal should be allowed.

Jennifer Wallace

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos Site Location Plan; 12FT/01/27 and 12FT/01/28.
- 3) Prior to the construction of the additional storey hereby permitted, samples of all materials to be used in its external construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
- 4) All building operations in connection with the approved development shall only take place between the hours of 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.
- 5) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 6) Prior to the first occupation of any of the units hereby permitted, a scheme for the storage of refuse and recycling awaiting collection arising from the site shall be submitted to and approved in writing by the local planning authority. The storage facility shall be provided in accordance with the approved scheme and available for use prior to the first occupation of the dwellings hereby approved. The approved scheme shall be thereafter retained.
- 7) Prior to the first occupation of any of the units hereby permitted, a scheme for the provision of cycle parking to meet the standards set out in Table 10.2 of the London Plan shall be submitted to and approved in writing by the local planning authority. The parking facilities shall be provided in accordance with the approved scheme and available for use prior to the first occupation of the dwellings hereby approved. The approved scheme shall be thereafter retained.
- 8) All new hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.
- 9) Car parking shall be retained as shown on the approved plans.
- 10) Prior to the first occupation of the units hereby approved, two of the parking spaces shall be provided with active vehicle charging facilities for electric or Ultra-Low Emission vehicles. The charging facilities shall be thereafter retained.

Ends

