

REF: P1116

PLANNING STATEMENT

Location: Neale Court, Upminster Road, Hornchurch, RM11 3XP

Applicant: RM10 Airspace Limited

Date: March 2024



QUALITY ASSURANCE

Status	Issue	Date	Prepared By	Checked By
Final	1	March 2024	BW	AR

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1.0 INTRODUCTION

OVERVIEW

- 1.1 This Planning Statement has been prepared by Planning Insight on behalf of RM10 Airspace Limited (hereafter referred to as 'the Applicant') to accompany a Prior Approval Application to the London Borough of Havering in respect of the proposed upward extension at Neale Court, Upminster Road, Hornchurch, RM11 3XP (the 'Application Site').
- 1.2 This document is submitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO), Part 20, Class A for the upwards extension at the Application Site. Development under Part 20, Class A is permitted subject to the condition that before beginning the development, the developer applies to the Local Planning Authority (LPA) for a determination as to whether the Prior Approval of the authority will be required.
- 1.3 The description of development is as follows:

"Application for prior notification of development of one additional storey above the existing building comprising 5 x 1 bedroom, 1 person self-contained residential flats (Class C3), parking and associated storage".
- 1.4 The overall objective of the scheme is to bring forward 5no. one-bedroom units to market in a sustainable location, contributing to an acute housing need in Havering.
- 1.5 This application forms a resubmission following the previous refusal which seeks an alternative design approach to this airspace development. It is considered that this revised scheme would integrate with the character and appearance of the immediate context of Upminster Road and the wider locality of Hornchurch. Each unit complies with the Nationally Described Space Standards and the scheme provides an appropriate provision of car and cycle parking, and refuse storage.
- 1.6 This *Statement* will demonstrate that the proposed single-storey upward extension is fully compliant with the criteria set out in Class A and as such is 'Permitted Development' by virtue of the Order (as amended). This *Statement* describes the application in more detail and provides an assessment of the proposed development against the legislative context of Part 20, Class A of the GPDO, relevant development plan policies and other material considerations.
- 1.7 Since the application was submitted, the applicant has worked proactively with the LPA to amend the scheme. This involved design changes and a reduction in units as well as alterations to the parking arrangement.



APPLICATION DOCUMENTS

1.8 The below documents accompany the application:

Document	Consultant
Planning Statement	Planning Insight
Drawings Package and DAS	ME Architects
Daylight & Sunlight Assessment	NRG Consulting
Transport Statement	Pulsar Transport

1.9 The above documents are considered as appropriate throughout this document.

2.0 PLANNING CONTEXT

SITE AND SURROUNDINGS

- 2.1 The Application Site, Neale Court, is located in Hornchurch within the London Borough of Havering. The site is situated along the frontage of Upminster Road, east of the junction that intersects with Wingletye Lane which runs northwards. It is sited within a residential context; no. 59 and Lee Manor Court adjoin the site to the eastern and western boundaries respectively. To the north of the site, the rear gardens of properties along Wingletye Lane and the car park of Havering College Library adjoin the site. The building line to the northern extent of Upminster Road is uniform. The site plan is contained below.

Figure 1: Site Plan



- 2.2 Neale Court and the surrounding streets are characterised predominately by two-storey semi-detached, with examples of larger commercial and flatted buildings dispersed between them. Adjacent, Lee Manor Court is three-storeys and sits above the building height of the application premises, with other examples of taller buildings within the vicinity.

- 2.3 The Application Site comprises a part two/part three-storey detached block of flats with a flat roof that accommodates 24no. residential units (Class C3). The three-storey element extends along the main frontage, set back from the front of the site by a grassed verge. The front facade features a minor inset to the centre, with 3no. three-storey narrow outriggers that project from the rear elevation. The central outrigger is linked with the two-storey element and is positioned directly to the rear of the main structure, breaking up the massing by dropping down a single-storey. A private road off Upminster Road extends along the eastern boundary of the site to provide vehicular access for residents and visitors, with various pedestrian paths on-site.
- 2.4 The fenestration comprises double-glazed windows to the front and rear elevation of the main block. The fenestration is consistent across the elevations. Access to the building is achieved at ground floor level via doors. The materiality of the building consists primarily of tan brick facades with a white render secondary finish between window patterns, white UPVC windows, main doors and fascia. Neale Court benefits from an area of green space to the rear flank, as well as a grass verge to the front of the site. Hardstanding to the rear of the site contains parking space provisions and a refuse area to accommodate the needs of existing residents.
- 2.5 The site has a PTAL rating of 3 which rates locations by distance from frequent public transport services, the TIM level (Time Mapping) shows it is in the vicinity of various services.
- 2.6 The site is subject to the presence of a total 7no. TPOs (ref – 3/71). There are 6no. TPOs (T2 – T7) which extend along the front of the site (T7), and 1no. TPO (T1) sited to the west of the two-storey element at the boundary of the site.
- 2.7 The site is not located in a Conservation Area. Drury Falls, a Grade II listed building is located 40m to the west of the site. The application site is not within its curtilage or visible from its setting.
- 2.8 The site is located in Flood Zone 1.

PLANNING HISTORY

- 2.9 A search of the London Borough of Havering's online planning database for the Application Site identified a total of 4no. applications which relate to TPOs on-site, and 1no. previous submission which is of relevance:
- **J0035.23** – 'Application for prior notification of development for construction of one additional storey above the existing building to provide 6no. residential flats (Class C3), parking and associated storage' (**Prior Approval Required and Refused – 4th December 2023**).

Prior Approval Application (J0035.23)

- 2.10 This application was submitted under Part 20, Class A of the General Permitted Development Order 2015 (GPDO) and subsequently refused.
- 2.11 The previous scheme proposed a typical 'box' style single-storey airspace extension, finished in zinc cladding. The scheme proposed a total of 6no. one-bedroom studios, each unit complied with London Plan space standards and provided adequate amenity levels to the occupants, whilst preserving neighbouring amenity. It was confirmed that the scheme was policy-compliant in respect of parking and waste facilities.
- 2.12 The application required Prior Approval and was refused on matters relating to design. The full reason for refusal is as follows:
- "The cumulative impact of the proposed development would, by reason of its height, scale, bulk, mass, siting, materiality and fenestration, combined with the width of the building and the change in ground levels, appear incongruous, overbearing, dominant, visually intrusive and out of character in the streetscene and the surrounding area. Consequently, under the provisions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2021 [as amended], the prior approval of the Local Planning Authority is refused."*
- 2.13 The Planning Officer has indicated that the external appearance of the development would be determinantal to the character of the area due to the increase in visual bulk which would negatively impact the overall building. Officers asserted that the height would be significantly larger than the contextual character of the semi-detached two-storey homes when viewed from the inclined slope of the road coming from the direction of Upminster Bridge Station. On this basis, they concluded that the development would appear incongruous to the street scene.
- 2.14 The above opinions of officers have encouraged the applicant to look at a different design which forms the basis of this resubmission. The above Planning History is referred to as appropriate in the Assessment section of this *Statement*.

3.0 LEGISLATIVE CONTEXT

- 3.1 Part 3 of the Town and Country Planning Act 1990 ("the 1990 Act"), states that planning permission is required for the development of land. The Act states that planning permission may be granted on application to an LPA by a development order made under the 1990 Act. Planning permission granted under the General Permitted Development Order ("GPDO") is known as a "Permitted Development Right" ("PDR"). The effect is that an application for planning permission does not need to be made to the LPA. However, in some cases, PDRs require the LPA to approve certain key matters before development can proceed. This is known as "Prior Approval".
- 3.2 In August 2021, the GDPO was updated and introduced Part 20 to Schedule 2. This Order amended the Town and Country Planning (General Permitted) (England) Order 2015 (S.I.2015/596) ("the General Permitted Development Order") to introduce a permanent permitted development right to allow a variety of buildings to be extended up to two storeys in height to create new residential homes.
- 3.3 Part 20 is subject to obtaining prior approval, as stated in Paragraph 026 of the National Planning Practice Guide (NPPG):
- "Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters from prior approval vary depending on the types of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. An LPA cannot consider any other matters when determining a prior approval application."*
- 3.4 The GPDO grants planning permission for everything in Schedule 2, subject to the exceptions and conditions of prior approval. Specific to upward extensions under Part 20, following differing interpretations by planning Inspectors on how broadly the assessment of 'external appearance' can be applied under a conditional requirement, it this matter being considered in the courts, the relevant case being *Cab Housing Ltd & Ors v Secretary of State for Levelling Up, Housing and Communities & Ors* [2022] EWHC 208 (Admin). The implication of the case law is that it has broadened the assessment of design to include the impact on the surrounding character.
- 3.5 Whilst the GDPO is the principal consideration for determining the Prior Approval, development plan policies can be material considerations where they relate specifically to matters subject to prior approval. They are considered appropriate within the below Assessment section.

PART 20, CLASS A OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

- 3.6 The site to which this application relates consists of a purpose-built block of residential flats. Class A – *New Dwellinghouses on Detached Blocks of flats*, permits the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats subject to Prior Approval.

RELEVANT PLANNING POLICY

- 3.7 As far as applicable Development Plan Policies are relevant, the Statutory Development Plan for the London Borough of Havering comprises the London Plan (2021) and Havering Local Plan 2016 – 2031 (2021). Supplementary Planning Documents are also of relevance in assessing proposals for new development.

4.0 PLANNING ASSESSMENT

Compliance with Class A

- 4.1 Class A states that Permitted Development is permitted if it consists of work for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all –
- (a) engineering operations reasonably necessary to construct the additional storey and new dwellinghouses.
 - (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses.
 - (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases.
 - (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.
- 4.2 The table below sets out an assessment of the pre-qualifying factors.

Table 1: Pre-Qualifying Factors Assessment

Development not permitted.	Complies?
a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule.	YES
b) above ground level, the building is less than 3 storeys in height.	YES
c) the building was constructed before 1st July 1948, or after 5th March 2018.	YES
d) the additional storeys are constructed other than on the principal part of the building.	YES
e) the floor to ceiling height of any additional storey is— (i) more than 3 metres in height; or (ii) more than the floor to ceiling height of any of the existing storeys.	YES
f) the new dwellinghouses are not flats.	YES
g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof	YES

of the existing building by more than 7 metres (not including plant, in each case);	
h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres.	YES
i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development.	YES
j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to— I. strengthen existing walls; II. strengthen existing foundations; or III. install or replace water, drainage, electricity, gas or other services;	YES
k) in the case of Class A.(b) development there is no existing plant on the building;	YES
l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	YES
m) development under Class A.(c) would extend beyond the curtilage of the existing building;	YES
n) development under Class A.(d) would— I. (i) extend beyond the curtilage of the existing building; II. (ii) be situated on land forward of a wall forming the principal elevation of the existing III. building; or IV. (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;	YES
o) the land or site on which the building is located, is or forms part of— I. article 2(3) land; II. a site of special scientific interest; III. a listed building or land within its curtilage; IV. a scheduled monument or land within its curtilage; V. a safety hazard area; VI. a military explosives storage area; or VII. land within 3 kilometres of the perimeter of an aerodrome.	YES

4.3 The above assessment confirms that the existing building qualifies under Class A and that the proposed works for an additional storey fall within the scope of Class A. The previous application J0035.23 confirmed the same.

Prior Approval Matters

- 4.4 Where development under Class A is permitted subject to the condition that before beginning the development, the following conditions are subject to Prior Approval by the LPA. This section provides an assessment of the above matters in the context of the proposal and demonstrates the acceptability of the scheme.

a) Transport and highways impact of the development.

- 4.5 A Transport Statement prepared by Pulsar accompanies this application and provides full details in relation to transport matters. The scheme has been reduced during the application process to 5 units, no issues were raised in the assessment of the previous application in respect of transport impact.

Car Parking

- 4.6 5no. additional parking bays are proposed to the rear of the site on the existing hardstanding. This would involve the painting of new lines and is to be sited behind the principal elevation of the Neale Court building, in accordance with paragraph A.1.(n)(ii).
- 4.7 The London Plan includes maximum residential parking standards, which take into account the site PTAL. Table 10.2 of the London Plan indicates that sites in Outer London with a PTAL of 2-3 require 0.75 spaces per dwelling when units comprise 1-2 no. beds. Accordingly, the scheme proposes a total 5no. spaces, four being for residents and 1 being for guest parking as advised by the LPA. This is in accordance with planning policy.

Cycle Parking

- 4.8 Havering Council have adopted *Minimum Cycle Parking Standards*, set out in Table 10.2 of the London Plan as per Policy T5. Table 3 illustrates the required cycle provisions for C3 residential developments.

Table 1: Minimum Cycle Parking Standards for C3 Dwellings

	Long-stay (for residents)	Short-stay (for visitors)
C3 Dwellings	A space per studio/1b1p dwelling	2 spaces for 5 to 40 dwellings
Proposed	6	2

- 4.9 As per above, a total of 6no. long-stay and 2no. short-stay cycle parking spaces are provided exceeding of the London Plan standards. The location of the cycle storage and its design can be secured by condition.

Refuse Collection

4.10 Refuse collection will continue to be collected as per the existing arrangements for the site, with collection to take place at the front of the site off Upminster Road following transportation along the hardstanding and private road to the east of the building. The bins can then be returned to the bin store. Bin requirements can be secured via a condition, there is ample room within the existing bin store to accommodate the uplift. The storage remains behind the principal elevation and therefore complies with Class A.(d).

4.11 The Council confirmed the accessibility of such transport and highway matters in the previous application which remains consistent; the Highways Authority was consulted and raised no concern.

b) Air traffic and defence asset impacts of the development.

4.12 When taking into consideration the proposed height and the location of the application site, it would not have an impact on any air traffic and defence assets.

c) Contamination risks in relation to the building.

4.13 The application site has not been identified as having any contamination risks. Given the established use on-site (Class C3) and predominantly residential use within the surrounding area, it is considered that there is no risk of contamination adversely impacting the proposed residential accommodation.

d) Flood Risks in relation to the building.

4.14 The application site is located within Flood Zone 1 as identified in the Gov Flooding Map for Planning. The development will not result in any changes to the surface water drainage arrangement of the site. The site is not at risk of flooding.

e) The external appearance of the building.

4.15 Policy 26 'Urban design' of the Local Plan, states that the Council will promote high-quality design that contributes to the creation of successful places. It sets out a list of requirements for new developments in terms of achieving a high-quality design.

Scale and Massing

4.16 Paragraph 124 of the NPPF discusses *making effective use of land*. Part (e) states that planning policies should support opportunities to use the airspace above existing residential and commercial premises as a way of contributing to gentle increases in density. In particular, upward extensions should be allowed where development would be consistent with the prevailing height and form of neighbouring properties in the overall street scene. Densification via airspace development is supported at national policy level.

- 4.17 A typical 'box-style' upward extension finished in a dark-coloured zinc cladding materiality was previously proposed. Notwithstanding, this was refused by the Council on design grounds, this has prompted the applicant to take a different approach.
- 4.18 This resubmission proposes a different high-quality design which reflects a mansard roof. It comprises a multi-sided gambrel-style hip roof characterised by two slopes on each of its sides, with the lower slope at a steeper angle than the upper. Thus, the extent of bulk has been reduced due to the pitched slopes extending inwards to each side of the roof. In accordance with advice from the LPA, the scheme has been set in a further 1m from each side of the building. It is therefore considered that the scheme integrates successfully with the existing building and wider local context.
- 4.19 Part (e) of Paragraph 124 promotes mansard extensions. This aligns with the government's broader ambitions to bring 'beauty' into its areas, reiterated by the amended title of Chapter 12 '*achieving well-designed and beautiful places*'. On this basis, it is evident that well-designed mansard roofs are supported as a design approach as part of the revised NPPF and are strongly encouraged.
- 4.20 The proposal introduces an additional storey at Neale Court. The scale and massing have been developed to reflect the wider context and in accordance with advice received by officers. The street scene elevation and visuals submitted show that the proposed height would be of similar height to the adjacent building and from longer views would appear lower. This demonstrates the building would be consistent with the prevailing height and the proposed addition would be in-set sufficiently.
- 4.21 The immediate vicinity has a mixed character in terms of building form and design, there are similar examples of 60's style flatted blocks of similar scale and height nearby (For example: Chaplaincy Gardens). It is widely acknowledged that this typology of building can absorb an additional storey without altering the composition of the building. This is demonstrated through the design and visuals which shows the building does not appear out of place due to the location and the nature of the existing building. Visually, the mansard addition would appear as a roof which creates a subservient addition. It is considerably set back from the parapet as advised by officers. As shown in the DAS there are other nearby examples of similar roof forms.
- 4.22 As detailed in the *Site Description*, the nearest designated heritage asset, Dury Falls, is located 40 metres from the site and the application site is not visible from views on Wingletyle Lane. The proposed addition would not be visible from any point in which the Drury Falls is viewed, as such the scheme would not affect its setting.

- 4.23 In terms of the distribution of massing, the fourth storey would incorporate a 1m setback to each elevation. The setback of the extension on the street scene appears as a subservient addition that would integrate with the existing building. As per the above, it is considered that the proposed development adheres to requirements (i), (iv) and (vii) of Policy 26.

Detailed Design

- 4.24 The external elevations comprise a light-grey zinc cladding framed dormer windows which present a more contemporary aesthetic. This follows the advice of officers.

Fenestration

- 4.25 Dormer windows in aluminium profiles are proposed which would serve all habitable rooms. The layout of the units has been established to maximise the quality of habitable living space and cater to all its occupiers' needs, whilst addressing the existing fenestration pattern to the below facades. This was a concern raised for the previous scheme whereby the Council stated that:

"the window arrangement facing Upminster Road fails to relate to the existing window treatment of the existing window treatment below i.e. the large vertical openings are inconsistent with the horizontal banding treatment of the existing windows and the smaller bathroom windows don't align or reference any of the existing window placements."

- 4.26 The design affords window sizes to match the below, removal of bathroom windows, creates a consistent window pattern. As demonstrated in this design section, the scheme meets the requirements (ii), (iii), (v), (vi) and (x) of Policy 26.

f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses.

- 4.27 The proposed layout for all the units has been designed to provide windows to all habitable rooms and will be dual-aspect. Each of the habitable rooms will have windows facing to either the front or rear and will not directly face onto walls or features that may restrict the levels of light entering the rooms. It is considered that the proposal ensures the provision of adequate natural light to all habitable rooms in accordance with criteria (v) of Policy 7.
- 4.28 The acceptability of such was confirmed in the previous submission.

g) Impact on amenity of the existing building and neighbouring premises including overlooking, privacy and loss of light.

- 4.29 Policy 7 of the Local Plan, states that all developments should be of a high-quality design, whilst ensuring the amenity and quality of life of existing and future residents is not adversely impacted, in relation to overlooking and privacy; daylight and sunlight; as well as disturbance and noise. As demonstrated in the assessment below along with the relevant consultant reports, the proposed additional storey would preserve neighbouring amenity.

Overlooking and Privacy

- 4.30 The extension matches the existing structure by proposing the installation of windows to only the front and rear elevations. Obscure glazing is to be fitted to the existing stairwell windows to prevent overlooking the rear windows of the proposed units. In this regard, the existing conditions would be preserved.

Disturbance and Noise

- 4.31 As the development is located in a residential context, the addition of 5 flats at the roof level would not conflict with the existing uses.

Daylight and Sunlight

- 4.32 The scheme has been tested in relation to the impact on neighbours in the context of the BRE's 'Site Layout Planning for Daylight and Sunlight', a report is submitted with the application prepared by NRG Consulting. The report confirms that the scheme would not result in a negative impact on habitable rooms, as such the scheme accords with the BRE guidance.
- 4.33 It is acknowledged that there is a minor impact on one window of Lees Manor Court. The room which window no.9 serves is a non-dining kitchen which would be a non-habitable room. Notwithstanding that the room is non-habitable, it passes the VSC test and the remainder of the flat would experience good levels of light as shown by the technical analysis in the daylight report. In this regard, the scheme would not result in an impact on the quality of accommodation, or the daylight experienced in habitable rooms. The scheme was confirmed as acceptable as per the previous application, the same applies in this instance.
- 4.34 As demonstrated above, the scheme would not result in an impact on neighbouring amenities. The Council confirmed the acceptability of such in the previous application which remains consistent in this submission.

h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State.

4.35 The proposed development will have no impact on a protected view as identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State.

i) Where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building.

4.36 The building would not exceed 18 metres, this part is not relevant.

j) Where the development meets the fire risk condition, the fire strategy impacts on the intended occupants of the building, and the provisions of Paragraph B (prior approval) of this Part in relation to that application.

4.37 As per above, the development would not meet the fire risk condition.

Internal Accommodation

Space Standards

4.38 The GPDO requires all new flats created by PDR to meet the NDSS. The proposed third-floor provides 5no. studios (one-bedroom, one-person) with a Gross Internal Area (GIA) between 37.1sqm and 41.2sqm. Each unit will benefit from adequate built-in storage space. Thus, all flats comply with the 37sqm minimum GIA for one-bedroom, one-person studios given that they contain shower rooms instead of bathrooms. The quality of accommodation proposed is therefore of a high-quality as it meets the space standards.

Tree Preservation Orders (TPOs)

4.39 The site is subject to the presence of a total 7no. TPOs (ref – 3/71) along the frontage of Upminster Road and to the site's western boundary. The proposed airspace development is not in proximity to the trees on the frontage nor on the western boundary, as such they would not be affected by the development. Cycle storage is proposed in the grounds, this would not be in proximity to the trees and would not have foundations.

5.0 CONCLUSION

- 5.1 The proposed development comprises the addition of a single-storey upward extension to the block of flats at the application site, totalling 5no. flats. This *Statement* has provided a detailed assessment that demonstrates the scheme would result in a high-quality designed extension that would deliver new housing in a chronic area of need.
- 5.2 The scheme has been amended in accordance with advice received during the application process to meet the requirements of officers and result in a positive scheme that would enhance the character of the area.
- 5.3 It is therefore concluded that the scheme is fully compliant with the criteria and conditions set out in Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Accordingly, it is considered to be 'Permitted Development' by virtue of the Order.



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