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Design & Access Statement

115 Avon Road
Upminster
Essex
RM14 1RG



Contents

1.0 Introduction

1.1 Proposals

1.2 Site Description

1.3 Site Opportunities

1.4 Existing Building

1.5 Planning History

1.6 Planning Refusal Response

2.0 Design Proposals

2.1 Objectives

2.2 Use

2.3 Amount

2.4 Layout

2.5 Scale

2.6 Landscaping

2.7 Appearance

2.8 Parking Design Management Statement

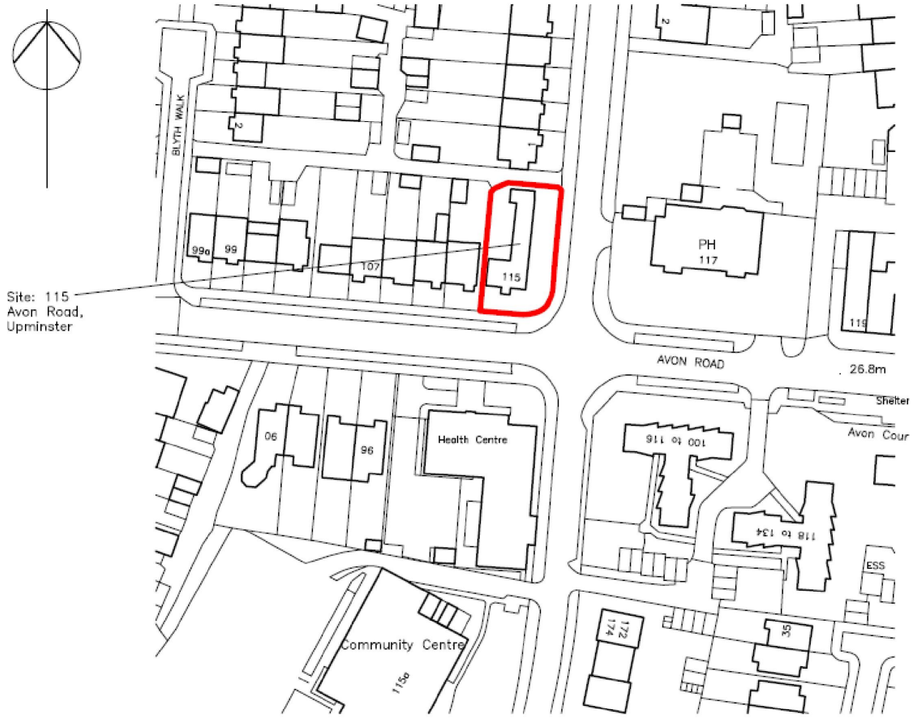
2.9 Accessibility Statement

2.10 Housing Mix

2.11 Waste Strategy Plan

2.12 Detailed Summary

2.13 Appeal Decision 6000217 27 Heath Park Road



P1. Site Location Plan



P2. Arieal view of the site indicating prominent and high density corner buildings

1.0 Introduction

1.1 Proposal

The proposal is for the extension and conversion of the existing building to create 4 dwellings (1 No. x 3 bedroom, 2 No. x 2 bedroom & 1 No. x 1 bedroom) with private and communal amenity space, on-site parking, cycle and bin storage.

1.2 Site Description

The site is located on a prominent corner which forms a junction of large buildings on Avon Road and Severn Drive and is in close proximity to a primary retail parade. The prominent buildings on this Junction include the Cranham Health Centre, Avon Court which contains 36 flats and the Golden Crane Public House so by nature the site is subject to intensive use during the day with the Health Centre and retail parade and in the Evenings with the Public House and various hot food outlets within the parade. The site is located within a busy, mixed use area.

1.3 Site Opportunities

The site is located within Cranham town centre and is suitable for a higher density development. There are several amenities within the area as well good transport links providing an extremely sustainable location for redevelopment.
The proposed development is a previously developed Brownfield Site.
The proposal will provide high-quality residential accommodation to help meet the councils housing delivery targets which is currently only 40% and the presumption for development is engaged

1.4 Existing building

The existing detached dwelling is of no Architectural merit and built circa 1970. The dwelling has an attached annexe at the rear of property which is a self contained unit and consists of a kitchen, living room and bedroom with ensuite shower room and direct use of the garden. This dwelling is a multiple occupancy property.

1.5 Planning History

The site has two previous refusals:

P0943.21 - Conversion of detached 6-bed dwelling to 3 x 1-bed, 1 x 2-bed and 1 x 3-bed flats with associated parking and amenity space involving a two storey side/rear extension, side extension to single storey rear element, first floor front extension and loft conversion to include 3 front and 2 rear dormers – **refused 13-07-21** – **Appeal Dismissed 16-05-22**

P2005.21 - Two storey rear and side extensions to create 2 x 2 bedroom and 2 x 1 bedroom new residential units with associated parking and refuse store – **refused 14-12-21**

1. The proposed development would fail to make provision for the minimum requirement of one three bedroom family unit required in conversions and subdivisions as set out within Policy 9 of the Havering Local Plan 2016-2031 and is therefore unacceptable in principle.
2. The proposed development would fail to demonstrate an acceptable living environment for future occupants, through shortfalls in prescribed standards for amenity space, factors which are conducive to a cramped overdevelopment of the site which would be detrimental to the amenity of future occupiers. The proposal is therefore contrary to Policy 7 of the Havering Local Plan 2016-2031 and London Plan 2021 Policy D6. There would also be conflict with paragraph 130(f) of the National Planning Policy Framework which seeks to ensure a high standard of amenity for future users of development.
3. The development would create an uplift in occupancy and intensive use of areas of the site which would be out of keeping with the surrounding suburban context and not comparable to the historic use of the site. This would present in increased comings and goings to the site which would be over and above what could be regarded as acceptable and would be detrimental to local character and the amenity of adjoining and nearby occupiers. The development would be both detrimental to local character and the amenity of nearby occupier's contrary to Policies 7, 9, 26 and 34 of the Havering Local Plan 2016-2031.
4. The applicant has not demonstrated satisfactorily that the car parking layout is sufficiently well removed from the earlier refusal and in a manner which would allow sufficient visibility for emerging vehicles. The proposed development would, by reason of the inadequate sightlines be detrimental to the safety of other road users and pedestrians. As such the proposals do not make adequate provision for off-street parking and would be contrary to Policies 9, 23 and 24 of the Havering Local Plan 2016-2031 and London Plan 2021 Policy T6.

1.6 Planning Refusal Response

The revised scheme addresses the previous reasons for refusal to produce a policy compliant scheme as detailed in the corresponding points below:

1. This proposal provides a 3 bedroom family unit with direct access to a private garden and dedicated parking space so policy compliant.

2. All 4 units have private amenity space allocated in the form of ground floor gardens and a first floor terrace which is screened for privacy. A communal area has been provided at the front of the site however in a recent appeal decision **ref: 6000217,** the inspector stated:

   19. Whilst Policy 7 of the HLP states that the Council will support developments that provide both balconies and communal amenity space in flatted schemes, the wording does not preclude schemes from only providing one or the other.

3. The Planning Inspector of the previous appeal ref **APP/B5480/W/21/3284575** Stated:
   The effect on the street-scene and local character
   6. As will be seen from the description of the surrounding development set out above, the immediate vicinity of the appeal site, around the Avon Road/Severn Drive junction, has a mixed character. Bearing in mind the existing purpose built flats in the vicinity, I do not regard a flatted development as necessarily at odds with the streetscene and local character of the area.
   The site is located on a junction so by nature it is subject to intensive use and 'comings and goings' during the day with the Health Centre and retail parade and in the Evenings with the Public House and various hot food outlets within the parade. The site is located within a busy, mixed use area as confirmed by the Planning Inspectorates statement which is a material consideration.

4. The site has two existing dropped kerbs which accommodate 4 cars, this is an existing condition and is to be retained for this proposal.

2.0 Design Proposals

2.1 Objectives

The proposal is for the extension and conversion of the existing building to create 4 dwellings (1 No. x 3 bedroom, 2 No. x 2 bedroom & 1 No. x 1 bedroom) with private and communal amenity space, on-site parking, cycle and bin storage.

The development will provide high quality residential accommodation that has good links to Upminster and Cranham Town centre's and local amenities. The proposal has been designed with the guidance of Havering Councils Local Plan and complies with **NPPF** in delivering decent homes to a good quality of architecture and appropriate landscaping.

London Plan Policy H2 Small sites states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:
1) significantly increase the contribution of small sites to meeting London's housing needs
2) diversify the sources, locations, type and mix of housing supply
3) support small and medium-sized housebuilders
4) support those wishing to bring forward custom, self-build and community led housing
5) achieve the minimum targets for small sites

For London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan making.

2.2 Use

The existing building is currently C3 residential use which will be retained.

2.3 Amount

The area of the development site is approximately 458m^2.

Existing Building G.I.A.
Ground Floor – 114m^2
First Floor – 65m^2
Total G.I.A. – 179m^2

Proposed G.I.A.
Ground floor - 188m^2
First floor - 93m^2
Total 281m^2

Net increase 102m2

Unit 1 - 2b/3p - 76m2 – garden 20m2
Unit 2 - 1b/2p - 51m2 – garden 11m2
Unit 3 - 2 b/3p - 66m2 -
Unit 4 - 3 b/4p - 75m2

We have provided **4 No.** parking spaces as the existing parking condition and also provided policy compliant cycle storage.

The provided private amenity spaces comply with London Plan standards in terms of areas and depths.



P3. View of terrace adjacent to 115 Avon Road



P4. Proposed extension replicating the proportions and design of the adjacent terrace.

2.4 Layout

The proposed development consists of modest extensions to the existing building to provide 4 dwellings.
The existing entrance is to be retained to provide access to the entrance of Unit 1 which is of a duplex design. A new porch forms the entrance for Units 2 & 3 and the existing annexe is to be extended to form Unit 4, the family unit with its own private entrance and the largest garden.

All dwellings have access to private amenity space with privacy screening to protect adjacent properties and future occupiers of the development.
All dwellings are dual aspect and provide good outlook for future occupants whilst preventing any overlooking issues. Where there are perceived impacts, ie outlook and quality of external spaces these are fundamentally matters of choice for prospective occupants.

The officers report for application P2005.21 concluded, *'There is not considered to be any unacceptable loss of privacy or increased sense of overlooking which would be unneighbourly in planning terms'*.
The proposed layout of this application is a comparable yet refined design as described in the officers report and is acceptable in principle.

2.5 Scale

The proposal has been designed within the extents of the existing footprint with some modest extensions to provide policy compliant residential accommodation. There is no increase to the existing ridge height.

The scale of the proposed side extension is compatible with that of the existing building and is of an expected scale for an extension to a detached dwelling. The alterations to the rear of the building consist of small single storey extensions that do not impact adjacent properties. The ridge height is to be maintained at its current height.

The officers report from the previous application ref **P2005.21** commented on the proposed side extension and stated, *'The undeveloped space to the side of the existing building was considered to contribute to a sense of spaciousness, however it was accepted that the sense of openness was not reflected on the opposing side of the junction.*
The revised scheme maintains a massing and appearance in keeping with the street-scene. Whilst there would be an increased ridge height over the adjacent premises it is difficult to conclude that this would have a materially harmful impact on the corner location, or wider character in the context of other alterations including slight adjustments to the separation at side boundary. The provision of raised terraced areas would add interest on the corner in the opinion of officers. Whilst the building would have a modern appearance and would feature detailing and openings not otherwise present in the street-scene these are not grounds to withhold permission.

The National Planning Policy Framework promotes and supports the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The benefits of this would however need to outweigh the other potential harm arising. The provision of accommodation with the layout shown could be regarded as being at odds with the established urban grain, however the actual harm to the street-scene and local character is not regarded as being sufficiently harmful to justify a decision to refuse permission. The scheme represents an acceptable response to the constraints of the site and officers consider that the development would align broadly with the objectives of the Havering Local Plan 2016-2031, the NPPF and London Plan 2021.

The opinion of the proposed extensions for the previous application were positive and deemed to be acceptable in principle, we have a adopted the same design approach with this application to maintain the support from Officers,

2.6 Landscaping

The site has an existing wide driveway situated on Severn Drive with two dropped kerbs that can accommodate 4 cars, it is entirely hard landscaped with a block paved finish. This is to be retained as the existing condition with some additional planting for run off surface water drainage.
The existing rear garden is hard landscaped and the proposed extensions are set within this area so there is no loss of habitat.
The site is BNG exempt as it is less than 0.2 hectares and we have submitted a BNG exemption statement with the application.

PTAL Report



P5. PTAL rating 2

P6. Existing Dropped Kerbs

2.7 Appearance

The proposed side extension and addition of a second entrance porch provide the appearance of a pair of semi-detached dwellings to maintain the character and rhythm of the adjacent terrace facade. The officers report for application **P2005.21** stated 'Particular concern was held over the transformation of the building and its appearance having little in common with the surrounding environment, also 'The revised scheme maintains a massing and appearance in keeping with the street-scene'.
This proposal has much in common with the surrounding environment and maintains the massing of the previous application that was deemed 'in keeping with the street-scene'.

The use of traditional materials and details to match the existing building maintains the character and provides a sympathetic form of development.

2.8 Parking Design Management/Access Statement

The site is well positioned along Avon Road with a PTAL rating of 2. The site is served by the 248 bus and it is a 1.3 mile (30min) walk to Upminster Train Station.
The site currently has 2 existing dropped kerbs that provide 4 parking spaces which are to be retained for the new development.

2.9 Accessibility Statement

The proposal aims to provide the highest practicable standards of accessibility and inclusivity. Units 2 & 4 are ground floor units and are totally accessible to wheelchair users and ambulant disabled future occupiers.
The proposal aims to provide the highest practicable standards of accessibility and inclusivity. M4(2) will be met when reasonable provision for most people, including wheelchair users, to approach and enter the dwelling and to access habitable rooms and sanitary facilities on the entrance storey. Reasonable provision is made if the dwelling complies with all of the following.

a. Within the curtilage of the dwelling or the building containing the dwelling, it is possible to approach and gain access to the dwelling.
b. It is possible to gain access to the dwelling, or the building containing the dwelling, from the most likely point of alighting from a car.
c. A disabled person who is able to walk is able to visit any dwelling in a building containing one or more dwellings.
d. Visitors can access and use the habitable rooms and a WC within the entrance storey of the dwelling (or the principal storey where the entrance storey does not contain a habitable room).
e. Where the habitable rooms and the WC are located on the entrance storey, access between them is step free.
f. Wall-mounted switches and socket outlets in habitable rooms are reasonably accessible to people who have reduced reach.
The ground floor utility rooms could be converted into a suitable ground floor bath/shower room to meet the requirements of Building Regulation Requirement M4(2).

2.10 Housing Mix

The proposal provides a mix of dwelling types to include 1No. x 3 bedroom family unit, 2 No. x 2 bedroom & 1 No. x 1 bedroom dwellings to suit a variety of Households and families.

2.11 Waste Strategy Plan

The proposal has been provided with a bin store at the front of the site. The ground floor units 1, 2 & 4 will have their own bins in the private gardens and will take their rubbish bags to the bin store on collection day as Havering's waste collection procedure. Unit 3 will have dedicated bins in the bin store as they do not have a ground floor garden.

2.12 Detailed Summary

This proposed development strongly succeeds in the following areas:
The proposed development is a previously developed Brownfield Site.

The proposal would secure a development that would make an important contribution to housing delivery within the Borough.

Havering's housing delivery target is currently at 40% and the tilted balance is engaged with the presumption for development in a sustainable location to be approved.

The building is highly contextual: the massing responds to the scale of the immediate area and it also places itself appropriately in to the wider context of the town centre approach.

Planning Inspectorate

Appeal Decision

Site visit made on 20 August 2025

by S Burch BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: 6000217
27 Heath Park Road, Romford, Havering RM2 5UB

- 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 Tariq against the decision of the Council of the London Borough of Havering.
- The application Ref is P1665.24.
- The development proposed is described as 'extension of the existing building to create 5 dwellings (1 No. x 3 bedroom, 2 No. x 2 bedroom & 2 No. x 1 bedroom) with private and communal amenity spaces, on-site parking, cycle and bin storage.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have considered the appeal based on the plans listed on the Council's decision notice.

3. The evidence before me indicates that the building could possess features suitable for roosting bats, and the site is located within close proximity to suitable commuting corridors. Although not forming part of the Council's reason for refusal, it is incumbent upon me as competent authority to consider whether the development would harm protected species (bats) and their habitats. It is therefore necessary to consider this as a main issue. Both parties have had the opportunity to comment on this matter, and I have taken their comments into account in my decision.

Main Issues

4. The main issues are:

   - whether the proposed development would provide adequate living conditions for future occupiers, with regard to privacy in respect of the occupiers of unit 1, the provision of internal living space in unit 5, and the provision of communal amenity space including its accessibility for wheelchair users; and

   - the effect of the proposed development on protected species (bats) and their habitats.

Reasons

Living conditions

5. The appeal site relates to a two-storey detached property in Romford. It is situated on a corner plot at the junction of Heath Park Road and Fairholme Avenue. The

evidence before me states that the property is currently being used as a House in Multiple Occupation, and this is the subject of an enforcement case. There is parking to the front of the site and a garden to the rear.

Unit 1- Privacy

6. To access the communal garden area to the rear of the site, occupiers of units 3-5 would need to exit the front of the building and walk down the path adjacent to the ground floor flank windows of unit 1.

7. This would involve occupiers of units 3-5 walking past the only window to bedroom 2 and a window serving the living/kitchen/dining area at unit 1. This could be at any time of the day, and also numerous times a day, given multiple units would utilise it to access the communal area. The access path is also relatively narrow, therefore anyone walking past the windows would be doing so at close quarters, enabling them to have clear views into these windows. This would result in a significant lack of privacy afforded to the residents of unit 1.

8. The appellant stipulates that the reference to unit 1 appears to be an error, as the side path runs past unit 2. It is however evident from the submitted plans that the side path would run past unit 1. Furthermore, it is clear from the plans, and from my site visit that there is no side path which would run alongside unit 2. I do not agree that it would be unlikely that there would be any use of the side access. From the submitted plans, this would be the only access to the rear garden area for the occupiers of units 3-5.

9. Whilst the existing wall would screen the ground floor side elevation windows from public view, there would still be a lack of privacy as a result of the use of the side path for garden access. The residents would be part of the same flat complex. This would however not outweigh the harm I have identified. I accept that in urban areas a degree of mutual overlooking is often not uncommon, however I consider that the scheme would result in unacceptable harm by way of lack of privacy to the occupiers of unit 1.

10. The rear garden area of unit 1 would also abut the communal garden area, however rails and soft landscaping are shown on the boundary of the rear garden area of unit 1, to provide some screening. I am satisfied that this would ensure adequate privacy for the occupiers of unit 1, when they are using their garden area.

11. My attention has been drawn to an approval at 3 Heath Park Road. A side path provides access to the communal rear garden area under this scheme. However, the plans show an area of soft landscaping at the side elevation windows. This would provide some screening to the windows, reducing any loss of privacy. Furthermore, the side access path is much wider than that proposed under the appeal before me. This increased width would provide a greater degree of privacy to the occupiers of the impacted flats. I am therefore not satisfied that the schemes are directly comparable.

12. For the reasons given above, I conclude that the proposed development would fail to provide adequate privacy to the future occupiers of unit 1. This would be contrary to Policy 7 of the Havering Local Plan 2016-2031 (2021) (HLP) and Policy D6 of the London Plan 2021 (LP). Collectively, amongst other matters, these policies seek to ensure acceptable living conditions for occupiers.

Unit 5- Internal living space

13. Concerns are raised regarding insufficient floor to ceiling height in unit 5. At appeal stage the appellant has submitted an additional floor plan to clarify the overall floor area in unit 5. They have indicated that 48 square metres (sqm), of a total internal floor area of 57sqm, would be above 2.5 metres in height. Following this, the Council have advised in their Statement of Case that the total internal floor area would be calculated at 57sqm and provided their calculations are correct, this would overcome the first refusal reason.

14. In light of a lack of evidence to dispute these figures, I see no reason to disagree with the Council's position in their Statement of Case. Based on the evidence before me, unit 5 would therefore provide an acceptable standard of accommodation for future occupiers, with regard to the provision of internal living space. This would be in accordance with Policy 7 of the HLP and Policy D6 of the LP. Collectively, amongst other matters, these policies seek to ensure that developments provide adequate floor to ceiling heights.

Communal amenity space

15. Each unit would provide private outdoor space in accordance with Policy D6 of the LP. Additional communal amenity space would be provided to the rear of the property, between the private garden area of unit 2 and the car parking area. The Council raise concerns regarding its limited depth, poor access arrangements, layout and siting. They also explain that it would be utilised by potentially 14 people, which would exacerbate these issues.

16. However, it is highly unlikely that it would be used at the same time, by all occupants of the properties, unless this was an arranged gathering. Furthermore, this outdoor space is in addition to each unit's private amenity space.

17. Future occupiers of units 3-5 would have to exit the front door of the building and go down the side path of the property to the communal garden. Notwithstanding my concerns regarding the effect of this on privacy, this arrangement would be acceptable. Furthermore, such arrangements are not uncommon in flatted developments. Although the communal garden would be somewhat of an irregular shape, it would still be useable.

18. The submitted design and access statement outlines how units 1 and 2 would be accessible to wheelchair users and ambulant disabled occupiers. The Council raise concerns regarding the lack of ramps or level access to the communal amenity space for these units. However, these units would be provided with private amenity space which exceeds the requirements set out in the LP. As such, their access to outdoor space would be acceptable and any deficiencies in terms of their access to the communal garden would not weight against the proposal.

19. Whilst Policy 7 of the HLP states that the Council will support developments that provide both balconies and communal amenity space in flatted schemes, the wording does not preclude schemes from only providing one or the other.

20. Overall, the scheme would provide an acceptable standard of communal amenity space. This would be in accordance with Policies 7 and 9 of the HLP and Policy D6 of the LP. Collectively, these policies seek to ensure adequate external amenity space in residential developments.

21. Although there would be some conflict with Policy D5 of the LP due to the lack of ramp or level access to the communal garden area for disabled users in flats 1 and 2, they would be provided with good quality private outdoor space.

22. To conclude on the main issue, unit 5 would provide an acceptable standard of accommodation for future occupiers, with regard to the provision of internal living space. The scheme would also ensure an acceptable standard of communal amenity space. However, the living conditions of occupiers of unit 1 would be harmed by way of lack of privacy. Therefore, overall, the scheme would fail to comply with Policy 7 and 26 of the HLP and Policy D6 of the LP, which seeks to ensure acceptable amenity for occupiers and high architectural quality and design.

Protected species

23. The appellant advises that the NBN atlas confirms there are no records of bats in the area and Magic Maps advises there are no habitat designations in the area. The Council's Ecology Officer however outlines how the building could possess features suitable for roosting bats, and an absence of records does not indicate an absence of species. In addition, bats are a mobile species, and the site is located within close proximity to suitable commuting corridors, such as the trainline. The evidence before me outlines how extending the search of records to a 2-kilometre radius, returns several records for bats in the wider area.

24. The Ecology Officer recommends a Preliminary Roost Assessment (PRA) is undertaken. The Council however advise in their case officer report that it is not considered reasonable to impose a condition requiring a PRA as the proposal involves extensions to an occupied building in a suburban area. Instead, it recommends an informative to advise the applicant that it is an offence to harm a protected species. At appeal stage, it has advised that a condition which requires the submission of a PRA could be considered if the scheme is allowed.

25. Owing to the age and poorly maintained condition of the property, and the presence of bats in the wider area, it is however essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development is established before planning permission is granted. This could not be dealt with by way of a condition or informative. Whilst the building is occupied and in an urban area, this would not preclude it from potentially providing features suitable for roosting bats.

26. Therefore, the absence of sufficient information means I cannot rule out harm to bats which are a protected species. This would be contrary to the provisions of the National Planning Policy Framework (the Framework) which sets out that if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Other Matters

27. The appellant has suggested that the communal garden area could be removed to address a number of refusal reasons by using a 'Wheatcroft amendment,' ensured through a planning condition. This would however result in a substantial difference to the scheme that would no longer be in line with the description of development, which makes specific reference to the communal amenity area. This would therefore prejudice the interests of the Council, interested parties and consultees, who were consulted on the scheme which included the communal amenity space.

28. The appellant outlines how the HLP was found sound on the basis of an imminent review and a great deal of housing will come from larger strategic sites that are not capable of being delivered in the first five-year period. They also outline that an imminent review has not taken place and there is no suggestion that one may happen soon. The HLP however forms the adopted development plan. The Council also accept that it has failed to satisfy the Housing Delivery Test (HDT) and cannot currently demonstrate a five-year housing land supply and therefore the 'titled balance' as set out in the Framework is engaged. I have considered this point further below.

29. The site would provide parking in line with highway policy requirements; it would also provide cycle parking and may ensure neighbouring amenity. The site is not within a Conservation area or within the vicinity of listed buildings. It also has no Tree Preservation Orders. These are however considered to be neutral factors and would not weigh in favour of, nor against, the appeal.

30. There is limited evidence to demonstrate that the scheme would enhance the street scene. I have afforded this consideration limited weight.

Planning Balance

31. The Council concedes that it has a failed to satisfy the Housing Delivery Test (HDT). The HDT result for 2023, as published in December 2024, was 61%. The Council accepts that it cannot currently demonstrate a five-year housing land supply. The appellant also suggests that the Council has never had a five-year housing land supply. Neither party has provided specific details of the housing land supply position. Nevertheless, I shall assume for the purposes of this appeal that it is a significant shortfall.

32. There is nothing before me to suggest that there are any policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development under paragraph 11d)(i). Therefore, the balance in paragraph 11d(ii) applies such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

33. The scheme would provide housing in an accessible location. It would also make effective use of brownfield land, delivering housing on a smaller site. The dwellings may provide high quality accommodation with dual aspect and acceptable outlook, however as previously outlined, I am not satisfied that unit 1 would provide an acceptable standard of privacy. Traditional materials would be used to match the existing building, respecting local character and context. The dwellings may provide a number of accessible units, in accordance with building regulations, however as outlined previously there would be issues with communal space access for the ground floor properties. The limited scale of the development means that I afford the provision of new housing, along with the other benefits listed above, moderate weight in favour of the proposed development.

34. Accordingly, I find that the adverse impacts arising from the development in terms its effect on the living conditions of the future occupiers of unit 1 and the potential harm to a protected species would significantly and demonstrably outweigh the moderate weight attributed to the benefits when assessed against the policies in

the Framework taken as a whole. The presumption in favour of sustainable development does not apply in these circumstances.

35. My attention has been drawn to a number of other appeals whereby harm was found, however the Inspectors found that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and therefore allowed the appeals. The appellant accepts that the circumstances are not relevant to this appeal and the cases are cited to demonstrate the weight to be attributed to housing provision. Whilst I acknowledge these cases, each appeal is determined on its own merits. I have carried out my own balancing exercise.

Conclusion

36. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Burch

INSPECTOR