
Appeal Decision

Site visit made on 21 November 2016

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 November 2016

Appeal Ref: APP/B5480/W/16/3156270

Matthews Close, Harold Wood, Essex RM3 0DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Porchester Properties (Essex) Ltd and Freehold Managers Plc against the decision of the Council of the London Borough of Havering.
 - The application ref P1006.15, dated 15 June 2015, was refused by notice dated 7 April 2016.
 - The development proposed is the construction of a three-storey side extension and creation of three one-bedroom units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether appropriate outdoor amenity space would be available for existing and future residents on the site; and
 - the effect on the living conditions of the occupants of 3 and 4 Matthews Close, having particular regard to outlook and light.

Reasons

The Site, its Surroundings, and the Proposal

3. The appeal site is on the corner of Gubbins Lane and Oak Road and includes three modest-sized blocks of flats, one three-storey and the others two-storey, along with a private shared garden, access drive and parking area. The surrounding area comprises a mix of residential and commercial uses in buildings that are mostly two and three storeys in height.
4. The proposal would entail a three-storey extension to the rear of the existing three-storey block which fronts Gubbins Lane. The extension would be located on a central part of the existing shared garden to the other side of which is one of the two-storey blocks containing nos. 1-4 Matthews Close. It would project 9 metres from the existing building and be of similar width with an additional slightly lower projection towards Oak Road containing the entrance and stairwell. The design, roof shape and materials would match the host building. An existing sycamore tree, which is subject to a tree preservation order, would be removed.

Outdoor Amenity Space

5. In order to provide opportunities for recreation and leisure and to enhance quality of life through improved health, reduced stress levels and child development, Council guidance seeks to ensure that every home has access to suitable private and/or communal amenity space¹. Rather than prescribing fixed standards, the guidance advises that the fundamental design considerations for outdoor space are quality and usability. At present, the existing 20 dwellings on the site have a reasonable but modest-sized shared garden that is located between the existing blocks, private parking area, and Oak Road. The garden simply comprises a lawn, a few shrubs and the single sycamore tree, although there is also a line of trees along Oak Road to the other side of the existing boundary fence. Representations from existing residents indicate that the garden is valued and well used, including by children.
6. The proposal would lead to the loss of a significant part of the central area of the garden, meaning that the remaining space would be fragmented and close to the flats, the parking area, and Oak Road. As none of the existing or proposed dwellings have balconies this would be the only outdoor amenity space for a total of 23 dwellings. Whilst the new building would screen part of the remaining garden from the busy Oak Road, even if a high quality landscaping scheme were implemented the proposal would significantly reduce the quality and usability of the existing garden due to the fragmentation, reduction in overall size, and fact that the remaining areas would be close to buildings, a busy road and a car park.
7. The appellant's arboricultural report indicates that the sycamore tree on the site is in poor condition and has a life expectancy of around 10 years, and this is accepted by the Council's tree officer. However, a chartered arboriculturist commissioned by local residents advises that the tree is healthy and could be expected to survive for at least 20 years. The tree currently makes a positive contribution to the character and appearance of the area and its loss would further detract from the quality of the communal garden for a considerable number of years until replacement planting had matured.
8. I conclude on the first main issue that the proposal fails to ensure that appropriate outdoor amenity space would be available for existing and future residents of dwellings on the site. As such, the proposal is contrary to national policy², policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (2008) ("DPD"), and associated guidance which collectively seek to achieve high quality design and access to high quality open spaces including in terms of every home having access to suitable private and/or communal outdoor amenity space.

Living Conditions in 3 and 4 Matthews Close

9. The proposal would in effect move an existing three-storey pitched roof building 9 metres closer to the west facing elevation of the two-storey block containing nos. 1-4. That elevation contains the only habitable room ground and first floor windows to nos. 3 and 4 which would be no more than 8.4

¹ Residential Design Supplementary Planning Document (2010) section 10.

² National Planning Policy Framework ("NPPF") sections 7 and 8.

metres from the new structure. Whilst the main part of the new building would be off set at an angle, the entrance and stairwell projection would be almost directly in front of no. 3. The proximity, height and width of the proposal would mean that it would be unduly dominant and overbearing when seen from inside no. 3, and to a somewhat lesser extent, no. 4. Being to the south west of those properties, it would also be likely to block direct sunlight to habitable rooms and to the garden area immediately outside.

10. The existing sycamore tree, which is closer to nos. 3 and 4 than the proposal, no doubt affects the amount of sunlight inside those flats to some degree. However, the tree is not particularly large and does not have dense foliage at all times of the year meaning that it is unlikely to have the same type of overshadowing effect as the proposal would have.
11. I conclude on the second main issue that the proposal, by virtue of the impact on outlook and light, would materially harm the living conditions in nos. 3 and 4 Matthews Close contrary to national policy³, DPD policy DC61, and associated guidance⁴ which collectively seek to ensure a good standard of amenity for the occupants of buildings and that all habitable rooms contain at least one main window with an adequate outlook where nearby walls or buildings do not appear overbearing or unduly dominant.

Other Matters

12. The proposal would result in development on the site that would be of a greater density than allowed for by DPD policy DC2. However, I am not persuaded that this would, in itself, cause material harm to the character or appearance of the area in this particular case other than with regard to the consequent impact on the communal garden.
13. One of the Council's reasons for refusal was that, in the absence of a legal agreement to secure financial contributions towards school places, the proposal fails to satisfactorily mitigate the infrastructure impact of the development contrary to DPD policies DC29 and DC72 and London Plan policy 8.2. The appellant is willing to enter into s106 agreement, although has not done so to date. As I am dismissing the appeal for other reasons, this is not a matter that I need to consider further.
14. The proposal would make more intensive use of an existing site in an accessible urban location. By creating three additional dwellings the proposal would deliver social and economic benefits by helping to meet housing needs, including for flats, and due to additional households supporting local businesses and contributing to local taxation. There would also be increased economic activity during the construction phase. However, the limited scale of the proposal means that I attach only moderate weight to these benefits.

Conclusion

15. By virtue of the conflict with the DPD policies that I have referred to, the proposal would not be in accordance with the development plan. As the social and economic benefits would not outweigh the totality of the harm that I have

³ NPPF paragraph 17, 4th bullet point.

⁴ Residential Design Supplementary Planning Document (2010) section 9.

identified, material considerations do not indicate that planning permission should be granted.

16. I therefore conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR