

Appeal Decision

Site visit made on 3 May 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 31 May 2017

Appeal Ref: APP/B5480/W/17/3167635

22a Berther Road, Hornchurch, RM11 3HS

- 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 Mr Paul Burge against the decision of the London Borough of Havering.
 - The application Ref P1175.16, dated 12 July 2016, was refused by notice dated 9 January 2017.
 - The development proposed is the demolition of an existing dwelling and construction of a new two-storey dwelling with loft conversion consisting of six bedrooms.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is occupied by an existing two-storey detached dwelling and integral garage, and possesses a substantial rear garden. The site is located within a street of large detached and semi-detached residential properties.
 4. Emerson Park is identified as a spacious and mature residential district, characterised by large properties set within substantial grounds and gardens. In respect of these characteristics, the Council has drawn my attention to the Emerson Park Policy Area Supplementary Planning Document 2009 (the Emerson Park SPD). This document is indicated as being used as a tool to identify key characteristics within the Emerson Park Policy Area, and prevent the erosion of these features within six individual geographical sectors.
 5. The appeal site is identified as being located within 'Sector 6' which identifies that new development must not give rise to a cramped appearance to the street scene, along with the massing and architectural style remaining in keeping with surrounding properties. Whilst the Emerson Park SPD accepts that each case will be treated on its merits, it sets out a minimum requirement *that no part of any new building or extension to an existing building will be permitted to be built within a minimum of 1m from an adjoining common party boundary at ground floor or 2m at first floor*. The retained space between buildings is highlighted as an important reflection of the character of the street scene and immediate surroundings.
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6. The proposed replacement dwelling, whilst positioned on the footprint of the existing dwelling, would overall be larger in area, with the proposed dwelling also larger in volume. It is acknowledged that the removal of the existing dwelling and garage element would improve the ground floor separation between built form and the western boundary of the site. However, the introduction of a full first floor and two-storey flank wall to within 1.2 metres of the western boundary would significantly increase the bulk of the built form within close proximity of the boundary, and would not accord with the separation distances set out within the Emerson Park SPD.
7. Whilst I accept that the separation of the proposed two-storey flank wall from the eastern boundary would remain largely unchanged from the existing relationship, I consider that the combination of the proposed detailed design and increased proximity at first floor to the western boundary, would create a visually more cramped appearance to the development of the appeal site, which would be to the detriment of the street scene.
8. The appellant contends that the appearance of the property would be in keeping with adjoining properties within the road, and that the adjoining properties within the street do not benefit from a 2 metre reduction at first floor level. I do not dispute that the overall design approach and appearance of the proposed dwelling would not be a departure from the character and appearance of other dwellings within the street. However, whilst I would accept that the adjoining properties are closer to the shared boundaries than the Emerson Park SPD would support, it is apparent that the original dwellings and any extensions pre-dated the publication of the Emerson Park SPD. Furthermore, I am satisfied that the protection of existing distances between neighbouring properties is a positive and desirable characteristic of the street.
9. I am satisfied that the proposed dwelling would result in an adverse effect on the character and appearance of the street and area, as a consequence of the cramped appearance of the resultant development. As such there would be conflict with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008, and the Emerson Park SPD. These seek to ensure that development maintains, enhances, or improves the character and appearance of the local area, by responding to distinctive local building forms and patterns of development, and respect the scale, massing and height of the surrounding physical context, and maintains or enhances the special character of the Emerson Park Policy Area.

Conclusion

10. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR