



Appeal Decision

Site visit made on 21 August 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2019

Appeal Ref: APP/B5480/W/19/3231662

17 The Crescent, Upminster RM14 1JY

- 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 Upminster Homes (2010) against the decision of the Council of the London Borough of Havering.
 - The application Ref P1664.18, dated 15 October 2018, was refused by notice dated 4 February 2019.
 - The development proposed is the demolition of the existing dwelling and construction of 2 no new dwellings with off street car parking and private amenity.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Three reasons were given by the Council for the refusal of the planning application subject of this appeal. The third reason related to the lack of a means to address the infrastructure needs arising from the development. Specifically, a contribution was sought for the additional need for education.
3. In their appeal statement the Council has confirmed 1 September 2019 as the effective date of the Council's adopted Community Infrastructure Levy (CIL). In view of this the Council also confirms that the requirement for an education contribution in this case is replaced by its CIL requirements. Accordingly, the matter of whether or not the proposal makes adequate provision for any additional need for education arising from the development is no longer before me for my consideration.

Main Issues

4. In view of the above, the main issues in this case are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of adjoining occupiers.

Reasons

Character and Appearance

5. The appeal site is located on the corner of The Crescent and Brunswick Avenue, and within a predominantly residential area. The appeal site fronts onto The Crescent, which is characterised by detached properties set within linear plots with limited spacing between each dwelling. The dominant vernacular on The Crescent is formed by either bungalows or dormer bungalows, the latter having first floor accommodation provided within the roof space and additional internal head height provided by dormer extensions set within the roof slopes.
6. Whilst the existing dwelling on the appeal site is also a bungalow, the layout of the site is unusual within its context in that the existing dwelling sits on a more spacious plot, with a wide driveway separating the dwelling from the adjoining property at No 15 The Crescent.
7. The scheme proposes the replacement of the existing dwelling with two detached dwellings. Whilst the design of the dwellings would, in part, replicate the dormer bungalow form repeatedly found within The Crescent, the scheme incorporates a first floor front gable projection. This element would be far more substantial than the dormer extensions prevalent within the street scene of The Crescent and, unlike the majority of these dormer additions, the front gable projection would dominate the appearance of the front and side elevations of the new dwellings when viewed from both The Crescent and Brunswick Avenue. The position of the proposed development, forward of the dwelling at No 15, together with the corner location of the site would only serve to exacerbate the prominence of this incongruent element of the scheme.
8. Whilst the proposed layout would result in there being limited space between each dwelling and the adjoining dwelling at No 15, such an arrangement accords with the existing pattern of development on The Crescent. I also note that the footprint of the development would project no further towards Brunswick Avenue than the existing dwelling. Nevertheless, the design of the dwellings would result in a form of development that would be at odds with the existing built vernacular.
9. Accordingly, the development would not have an acceptable effect on either the character or the appearance of the area. In this regard, the development would conflict with Policy DC61 (Urban Design) of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document Adopted 2008 (DPD). This policy informs that permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
10. My attention has been drawn to policies of The London Plan March 2016. Policy 7.4 requires development to have regard to the form, function, and structure of an area. Policy 7.6 informs that architecture should make a positive contribution to a coherent streetscape and that it should incorporate the highest quality design appropriate to its context. In view of my conclusions with regard to the design of the proposed dwellings, particularly the dominant front gable projections, I cannot conclude that the development would comply with these policies.

11. The Council suggests that the development would be contrary to the Residential Extensions and Alterations Supplementary Planning Document Adopted 2011 (SPD), although my attention has not been drawn to any particular part of the guidance in this regard. Notwithstanding this, I note that paragraph 1.1 of the SPD informs that advice on new houses is not provided by the document. Accordingly, I have not considered the SPD further.

Living Conditions

12. Whilst the degree of separation between the dwelling at 15 The Crescent and the existing dwelling would be eroded by the development, the Council confirms that the windows in the side elevation of No 15 (facing the appeal site) do not serve habitable rooms. Similarly, whilst there are windows in the side elevation of the new dwelling, to the rear of the appeal site, these windows are at ground floor, behind an existing timber fence, and would be separated from the new dwellings by the proposed garden areas. Accordingly, it is not likely that the development would have an unacceptable impact on the living conditions within either of the dwellings adjoining the appeal site.
13. Furthermore, the proposed dwellings would be positioned forward within their respective plots, particularly when compared to the position of the dwelling at No 15. Accordingly, there would be a degree of separation between the new dwellings and the private rear gardens of the two adjoining properties. It is, therefore, unlikely that the development would be a particularly dominant or overbearing feature when viewed from the rear gardens serving these properties.
14. In view of the findings above, I cannot conclude that the development would have an unacceptable effect on the living conditions of the adjoining occupiers. I note that Policy DC61 (Urban Design) of the DPD states that development must complement or improve the amenity of the area, and that permission will not be granted for development that results in unacceptable overlooking or loss of privacy. In view of my conclusions above, the development would not conflict with this policy.

Conclusions

15. Notwithstanding my conclusions with regard to the effect of the development on the living conditions of adjoining occupiers, the development would be harmful in terms of the effect it would have on the character and appearance of the area. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR