
Appeal Decision

Site visit made on 9 September 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Appeal Ref: APP/B5480/W/19/3227910

Land to the rear of Nos 230 - 236 Hornchurch Road, Hornchurch, Essex, RM11 1QB

- 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 B Hoffman (Fastgrand) against the decision of the Council of the London Borough of Havering.
 - The application Ref P0021.19, dated 1 December 2018, was refused by notice dated 29 March 2019.
 - The development proposed is redevelopment of land to the rear of Nos 230-236 Hornchurch Road to provide a new two and a half storey building comprising four self-contained apartments (1 x 1 bed, 1 x 2 bed and 2 x 3 bed) together with associated works including new vehicle parking provision, hard/soft landscaping, amenity space, secure refuse and cycling storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council gave 5 reasons for refusing planning permission. The fifth reason related to whether the proposal makes appropriate provision for infrastructure, with particular regard to school places. However, since the application was determined, the Council has adopted the Havering CIL (HCIL) and Charging Schedule (July 2019) which came into effect on 1 September 2019.
3. The appellant acknowledges that the Havering CIL Charging Schedule replaces the existing education contribution of £6,000 per dwelling with a levy of either £125 (Zone A) or £55 (Zone B) per chargeable GIA (subject to indexation) for new residential development within the borough with chargeable floor area. The appeal site falls with Zone A of the Charging Schedule and a levy of £125. Based on the chargeable floor area, according to the Council, the Havering CIL liability would amount to £39,375 subject to indexation.
4. The Council acknowledged in their appeal statement that this reason for refusal is no longer relevant after 1 September 2019 and I have therefore determined the appeal on this basis.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;

- the living conditions of future occupiers with particular regard to privacy, noise and disturbance, outlook and amenity space;
- the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook, sunlight/daylight matters and privacy;
- the availability of on street parking and highway safety with regard to visibility and the safety of pedestrians.

Reasons

Character and appearance

6. The appeal site consists of a parcel of land located between the terraces on the west side of Purbeck Road and the rear elevation of 230 – 236 Hornchurch Road.
7. Purbeck Road is distinctly residential in character, lined with traditional two storey terrace houses. Hornchurch Road is a reasonably busy road lined on either side with a mixture of commercial, retail and other uses. Whilst there is some variety in architectural style evident in the wider area, the houses along Purbeck Road are of broadly the same scale and massing, incorporating a similar pallet of materials with the main external material being render and the houses having pitched roofs and other features such as bays. Consequently, there is a general rhythm and harmony to the appearance of the houses.
8. Policy DC61 of the Havering Core Strategy and Development Control Policies and Development Plan Document (Adopted 2008) (Core Strategy) states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area by responding to distinctive local building forms and patterns of development and by respecting the scale, massing and height of the surrounding physical context. Policy CP17 of the Core Strategy states that the appearance of Havering will be maintained and where possible enhanced, by requiring new development to maintain or improve the character and appearance of the local area in its scale and design.
9. The National Planning Policy Framework (the Framework) states that planning decisions should ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
10. The proposed design is contemporary and whilst new buildings do not necessarily need to repeat nearby designs, they should respond to distinctive local building forms and respect the scale, massing and height of surrounding buildings.
11. The proposed building would have a crown roof finished with zinc and large openings on the front and rear elevations. Although the building would follow the building line of the adjacent terrace on Purbeck Road, the proposed roof form, the fenestration arrangements and design in terms of their size, style and arrangement would all be in marked contrast with their surroundings. Whilst the ridge height would be the same as the neighbouring terrace, the eaves would be taller, which combined with the close proximity to the adjoining side boundaries would result in an overall cramped appearance.

12. The proposed building would be sited in a prominent position and irrespective of the sensitivity of the context, as a result of the scale, massing and detailed design, would stand out as a substantial, prominent and awkward addition to the street scene.
13. At my site visit I had regard to the development at the rear of 168 Hornchurch Road, referred to by the appellant. I observed that development had a more straightforward, sympathetic appearance, with the roof form reflecting those of nearby houses. Consequently, I consider this development is not directly comparable to the appeal proposal. In any case, I have considered the appeal scheme on its own merits.
14. For the reasons given above, I conclude that the proposed development would cause significant harm to the character and appearance of the area contrary to the overall design aims of Policies DC61 and CP17 of the Core Strategy and the Framework.

Living conditions of future occupiers

15. The windows to bedrooms 2 and 3 in the proposed ground floor flat would be located at a relatively low level and would face Purbeck Road, overlooking the proposed parking spaces. As such, I find that the living conditions of the future occupiers would be unacceptably harmed by reason of loss of privacy and general disturbance from vehicle noise and headlight glare.
16. The proposed garden to the ground floor flat would be enclosed on two sides by the proposed bike storage and the boundary with the neighbouring 1A Purbeck Road. Whether or not screening was to be provided, given its relatively shallow depth, the garden would look and feel tightly confined and enclosed. Notwithstanding the proposed use of large areas of glazing in the rear elevation, the outlook from inside the flat and from within the garden would be unacceptably overbearing and would result in an unacceptable sense of enclosure. Overall, due to this sense of enclosure and for the reasons given above, the proposed flat would provide unacceptable living conditions for future occupiers.
17. The proposed 1- and 2-bedroom flats would have access to a shared garden area located towards the north west corner of the site. This consists of an L-shaped area located adjacent to the proposed parking spaces and the refuse and recycling storage areas. The appellant stated that they would be willing to provide screening for this area as part of a landscaping condition. Given the modest size of the flats and consequently the likely similarly limited number of occupants, I consider this space, subject to screening would provide an adequate space for sitting out and drying clothes etc.
18. There is no dispute between the parties about internal floorspace or the proposed bedroom size and mix. However, this is a neutral matter which cannot outweigh my findings above.
19. Overall, for the reasons given above, I conclude that the proposed development would not provide acceptable living conditions for the future occupiers of the proposed ground floor flat in respect of privacy, noise and disturbance, outlook and the provision of amenity space, contrary to the amenity protection aims of Policy DC61 of the Core Strategy which aims to prevent unreasonable impacts within development, Policy 7.4 of the London

Plan (2016) and the Framework which seeks a high standard of amenity for all future users.

Living conditions of existing occupiers

20. The proposed building would be located to the rear and north of 230-236 Hornchurch Road, which is situated at a slightly lower ground level than the appeal site and, would be taller than the building at 230-236 Hornchurch Road. It would be sited in close proximity to the boundary with 230-232 Hornchurch Road and consequently, there would be a large blank wall located in close proximity and visible from a number of flats at no.230-232.
21. The main living space kitchen/reception area of flat 7 at no.230-232 is situated at a lower level than the appeal site. As such, notwithstanding the separation distance from the upper floors of the proposed building, because of its elevated position I find it would have an unacceptable overbearing impact on the outlook from within flat 7 and its private amenity space.
22. Flat 3 at no.230-232 occupies a first-floor position and has 3 windows which would, in the case of 2 of those windows, look directly onto, in close proximity, the blank gable wall of the proposed building. Due to the proximity of the large blank side elevation to these windows which serve the kitchen/reception area, the proposal would have a significantly harmful overbearing impact on the outlook from within this flat. That there is a further window in the east elevation which serves this space does not alter my judgement.
23. In respect of flat 1, at no.230-232, its ground floor window would be re-positioned to face west away from the proposed building and the private amenity space to flat 7 would be reconfigured. Whilst the re-positioning of the window in flat 1 would address any overbearing impact on the outlook from this flat, it is not clear from the submitted plans what effect this would have on the private amenity space of flat 7.
24. The windows in the rear of no.230-232 face a broadly northerly direction as such, I conclude given the close proximity of the proposed development to those windows in the rear of no.230-232 that the proposal would have an adverse effect on the daylight that flats 1, 3 and 7 receive. However, there would be no material harm as a result of overshadowing.
25. The proposed building would be located immediately south of 1A Purbeck Road. There are a number of windows in the side elevation of no.1A which overlook the appeal site, notably a first-floor bedroom window and ground floor living room window. Both are secondary windows to the respective rooms which they serve with the primary windows located in the front elevation of the house overlooking Purbeck Road, a broadly easterly direction. Notwithstanding that these are secondary windows, the proposed building would be located in close proximity to them such that the views from the windows would be directly onto the blank side elevation of the proposed building, which would have a dominant and oppressive impact on the outlook from these windows.
26. I agree with the appellant that there would be no unacceptable impact on the living conditions of the occupiers of flat 4 at no.230-232 as there are no windows serving this property which would be affected by the proposal. Further, that due to the separation distances and as the garden to no.1A is not entirely private, being a terrace house, that there would be no material harm

as a result of overlooking of the garden. I note that the Council found no harm in this regard.

27. Overall, for the reasons given above I conclude that the proposed development would not provide acceptable living conditions for occupiers of flats 1, 3 and 7 of no.230-232 Hornchurch Road and 1A Purbeck Road in respect of outlook and loss of daylight contrary to the amenity protection aims of Policy DC61 of the Core Strategy which aims to prevent unreasonable impacts within development, Policy 7.4 of the London Plan (2016) and the Framework which seeks a high standard of amenity for all existing and future users.

Parking and highway safety

28. Policy DC33 of the Core Strategy states that car parking provision within new developments should not exceed the maxima set out in Annex 5 of the London Plan (2016). Further, that the Council will support appropriate development proposals to convert to alternative (non-parking) uses where parking at residential development is in excess of current standards and is not required to meet the parking needs of residents.
29. The appeal site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 1B – very poor. The site was considered as part of the scheme for the conversion of 230-236 Hornchurch Road and would have provided 11 spaces for 9 dwellings, although I note that the appellant stated that this would have been 12 spaces. Including, the appeal proposal, there would be a total of 13 dwellings with 8 parking spaces.
30. The appellant stated that the proposed development could result in a potential of 9 vehicles requiring off-street parking. The Council did not dispute this figure.
31. The results of parking surveys carried out using the 'Lambeth Methodology' showed that there are 73 unrestricted parking spaces in the survey area and the overnight results show a maximum parking stress of 71% with on average 52 cars parked leaving 21 spaces available. An additional 9 vehicles would increase the parking stress level to 89%. Although the Council stated that they do not consider the findings of the parking survey to be conclusive, no substantive contradictory evidence has been provided.
32. On the basis of the evidence before me, I find that the demand generated by the development for on-street parking would be modest. Given the availability of on-street parking in the vicinity of the site, there is nothing to suggest that additional vehicles could not be accommodated on-street. The development would therefore not result in a significant increase in competition for on-street parking to the detriment of highway safety.
33. Whilst cars parked either side of the access to the rear of the proposed building may restrict driver's visibility of pedestrians on Purbeck Road, there would be only 3 spaces to the rear of the site. Therefore, based on the likely limited number of comings and goings, that vehicles are unlikely to be parked in the spaces either side of the junction 24 hours a day and that drivers are likely to emerge slowly in such situations, I conclude there would be no unacceptable risk to pedestrian safety.

34. For these reasons I conclude that the proposed development would not conflict with the highway safety protection aims of Policy DC33 of the Core Strategy or the Framework.

Other matters

35. I note that the Council have no in principle policy objection to the development of the site for dwellings. Further, when judged against some of the core planning principles from the Framework, the proposal would perform well in that it would utilise previously developed land and would contribute to the supply and mix of housing in the borough. However, it seems to me that the need to boost the supply of homes should not be at the expense of achieving well designed development that provides acceptable living conditions. The harm to the character and appearance of the area and the living conditions of future and existing occupiers means that the environmental and social objectives of sustainable development would not be achieved. Consequently, the proposal does not represent sustainable development when considered against the policies in the Framework taken as a whole.
36. My attention has been drawn to Policies D6, H1 and H12 of the draft London Plan 2017 and several policies in the emerging Local Plan. However, in respect of the draft London Plan, the panel have recommended changes to these policies and I cannot be certain that these changes will be adopted. In any event, I note that the Council identified no specific policy objection to the redevelopment of the site for additional dwellings and as such these policies would not have altered my findings. Consequently, I attach only limited weight to these policies in decision making terms. Similarly, I have little information about what stage the emerging Local Plan has reached and as it does not form part of the adopted development plan, I give this little weight and have determined the appeal on the basis of the adopted development plan.

Conclusion

37. For the reasons given above and having regard to all matters raised, I conclude the proposal would conflict with the development plan read as a whole, and the appeal should be dismissed.

Felicity Thompson

INSPECTOR