



Appeal Decision

Site visit made on 18 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2019

Appeal Ref: APP/B5480/W/19/3231303

196 Abbs Cross Lane, Hornchurch, Essex RM12 4XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mrs. M. Willoughby against the decision of the London Borough of Havering.
 - The application Ref. P1918.18, dated 12 December 2018, was refused by notice dated 13 March 2019.
 - The development proposed is the erection of a new detached house accessed to Parkhill Close (sub-division of 196 plot).
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Decision

1. The appeal is dismissed.

Main Issues

2. The two main issues relevant to this appeal are the effect of the scheme on:
 - a) the living conditions of future occupants of the proposed dwelling and current and future occupants of no. 196 Abbs Cross Lane; and
 - b) the character and appearance of the area.

Reasons

Living Conditions

3. The appeal site comprises a terraced house located on Abbs Cross Lane, Hornchurch with a long, narrow garden to the rear. Immediately south of the garden is the end of a row of relatively new properties in a short cul-de-sac called Bethaney Close, a backland development accessed from Abbs Cross Lane. The appeal site garden includes a garage with vehicular access from Parkhill Close to the rear. Beyond the rear gardens of Abbs Cross Lane is the Parkhill and Sunrise Estate which includes several tower blocks and some low-rise buildings. Some of these low-rise structures have been demolished as part of a planned regeneration project.
4. The appellant is seeking to demolish the garage and construct a 2-storey, 3-bedroom house for 4 people that would, in effect, constitute an extension of the row of the existing properties in Bethaney Close. This new property would have two parking spaces and would be accessed from Parkhill Close.

5. According to the plans the windows of the proposed property would be about 26.5 metres from those of the host property. I am satisfied that this would provide a satisfactory level of separation to protect the internal privacy of the occupants of the two properties. The boundary between the two rear gardens would, however, be no more than around 10 metres from the proposed dwelling. Whilst the erection of a fence would provide some degree of mitigation, there would be an unacceptable loss of privacy to current and future residents of the host property caused by overlooking from the first floor of the proposed property.
6. Internally the proposed property measures some 86.5 square metres and thus meets the minimum standards laid down in the London Plan 2016 (LP). However, the third bedroom is just 1.78 metres in width against a minimum requirement set down by the Department for Communities and Local Government (see paragraph 10 (c) of the 'Technical housing standards – nationally described space standards', March 2015) of 2.15 metres, as adopted in the LP.
7. I note that the appellant contends that the breach of the minimum dimension requirement is relatively minor and could have been addressed had it been brought to her attention by the Council prior to determination of the application. I do not consider that the breach is minor. These are national standards and serve an important purpose. Further, I also note from the planning application form that the appellant did not seek pre-application advice. Had she have done so it is likely that the Council would have raised this matter with her.
8. Following the above, I conclude that the proposal would result in an unacceptable level of living conditions for future residents of the new property and current and future occupants of the host property. It thus breaches LP Policy 3.5, which seeks to ensure high quality housing design, and Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (CS) (2008) which seeks to protect against loss of privacy.

Character and Appearance

9. The rear garden of the appeal property contains a shed and a garage. Similarly, most of the adjacent properties to the north also contain one or more single storey structures together with solid wooden fences measuring about 2 metres in height.
10. I acknowledge the argument advanced by the appellant that the proposed dwelling would be of the same scale as those on Bethany Close and would respect the existing building line. However, unlike the properties in Bethany Close and, indeed, unlike the host property and its neighbours on Abbs Cross Lane, the new property would front onto Parkhill Close.
11. The appellant contends that in determining the character and appearance of the neighbourhood one should take account of the residential tower blocks to the rear and the planned construction of medium-rise buildings on the Parkhill and Sunrise Estate to replace the recently demolished low-rise structures. I do not dissent from this view. Nevertheless, none of those considerations alter the fact that the appeal dwelling would, because of its orientation, appear out of place.

12. Having regard to the above I conclude that the proposed dwelling would form a conspicuous and incongruent feature in the neighbourhood and would significantly harm its character and appearance. Consequently, I find that the proposal would breach CS Policy DC61 and paragraphs 122d and 127c of the Framework which seek to protect local character.

Other Matters

13. I was asked to examine the approved plans for a granny annex in the rear garden of 192 Abbs Cross Lane, 2 doors away from the appeal property. This decision has not been submitted to me and so I cannot review it. However, all planning appeals are determined on their individual merits and thus the decision for a scheme on one site cannot bind the decision maker when determining another scheme on another site. The determination of this appeal was based on the documents submitted to me and on my assessment of the site and its surroundings during my visit.

Conclusion

14. Having regard to the above reasons I dismiss this appeal.

William Walton

INSPECTOR