



Appeal Decision

Site visit made on 6 January 2020

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/B5480/W/19/3233705

Land to the rear of 76 Beltinge Road, Romford RM3 0UJ

- 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 P Ford against the decision of the Council of the London Borough of Havering.
 - The application Ref P1154.18, dated 14 August 2018, was refused by notice dated 5 February 2019.
 - The development proposed is for a new dwelling house including removal of the existing garage workshop.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the appeal process the applicant submitted revised plans for the internal arrangement to overcome part of the Council's first reason for refusal. This altered the number of bedrooms from three to two to increase the respective bedroom floorspaces to a level in accordance with DCLG Technical Housing Standards 2015. The Council has had the opportunity to comment upon this change and find it overcomes their concerns with regard to potential floorspace standards and the effect these could have on future occupiers. Interested parties however, have not been able to comment and in accordance with the Wheatcroft Principles¹ I must consider whether such a change would prejudice any parties. The alteration would not result in a change to the position of windows, doors, height or footprint of the proposal. I therefore do not believe that any third parties would be prejudiced by my acceptance of the amended plans. The appeal has therefore been determined based on these amended plans and this is reflected in the main issues identified.
3. The Council's first reason for refusal relates to internal and external space and cites Policy 7.4 of The London Plan 2016. However, this policy is concerned with local character and does not refer to internal or external space standards or provision of adequate light and outlook. I have therefore had no regard to Policy 7.4 within this reason for refusal.
4. The Council's fourth reason for refusal relates to the requirement for an education contribution via a Section 106 Agreement. This requirement has been replaced through adoption of the London Borough of Havering CIL and Charging Schedule rates which came into effect on 1 September 2019 and after

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37].

the application was determined. The Council have indicated that their fourth reason for refusal is no longer applicable and I have no reason to disagree with this.

Main Issues

5. The main issues are the effect of the proposal on:

- the character and appearance of the area;
- the living conditions of future occupiers with respect to outlook and the quality of the outdoor amenity space, and
- whether the proposal would have an overbearing effect on neighbouring properties.

Reasons

Character and appearance

6. The proposal would replace an existing outbuilding which is situated at the end of the host property's garden and adjacent to a row of similar outbuildings which sit to its north. The dwelling would be adjacent to 1 and 3 Coombe Road which is a two storey semi detached building. There are various house types in the vicinity including single, two storey, detached and semi detached properties.
7. The proposed detached dwelling would form part of an extended perimeter block along Coombe Road and the proposed frontage would be similar in parking layout to the adjacent dwellings at No 1 and 3 having front driveway parking. Although the two storey proposal would sit forward of the front building line provided by 1-3 Coombe Road, the building line on this side of the road is already staggered and if considering only the position of the front elevation, this would not be unduly incongruous. However, the proposed depth of the dwelling, which is constrained by the plot size, would be considerably less than other dwellings in the vicinity.
8. Consequently, the two storey proposal when viewed from Coombe Road, and particularly from the south west, would appear as a tall, isolated structure truncated at the rear. Its position directly on the boundary of the site would add to its cramped appearance and its position, adjacent to and set forward of much deeper properties, would highlight this difference. My attention has been drawn to a development at 2a Coombe Road which although also a detached infill development, has a greater footprint in comparison which gives it an appropriate scale in relation to the neighbouring properties.
9. The Council makes reference to the proposed position of the garden at the front of the property however, it would sit to the side. A parking area would separate the front of the dwelling from the highway in a similar way to that seen at 1-3 Coombe Road. Additionally, although many other properties in the area benefit from a front and rear garden, the proposal would have a similar orientation relative to the street as the host property which, due to its corner position, borders the highway. There is an existing boundary wall which sits at the back of the pavement which provides a distinct boundary with the highway. Retention of this wall could be secured by way of a condition and the current street scene with respect to the garden areas would be retained. Additionally,

the existing open views of rear gardens of Beltinge Road dwellings, which can currently be seen from Coombe Road, would also be retained. Due to the retention of the current garden area and its position to the side of the proposal, this would not harm the character and appearance of the area.

10. In conclusion, despite the proposal's forward position and garden orientation being acceptable, the combination of the dwelling's limited depth combined with its height, would result in an isolated structure which would represent an incongruous feature. This would harm the character and appearance of the area and be contrary to Design for Living, Residential Design Supplementary Planning Document 2010 (SPD) which recommends that new development reinforces and enhances the area's local character. It would conflict with Policy DC61 of the Core Strategy and Development Control Policies, Development Plan Document 2008 (Core Strategy) and Policy 7.4 of The London Plan 2016. Together and amongst other matters these policies require development to have regard to the existing scale, mass, grain and pattern of development within an area.

Living conditions

11. To allow for flexibility, no fixed size standards for outdoor amenity space are stated within the SPD. It does recommend that amenity space should be useable, have privacy, outlook, sunlight and planting. It also states that it is common in Havering for the fronts of dwellings to line the street with private spaces to the rear. The proposed garden would be to the side of the dwelling and stretch across the full width the bottom part of the host garden. The existing tall boundary wall which separates the garden from the public realm currently affords privacy to the host dwelling's garden and the garden of the proposed dwelling would be similarly private.
12. As observed during my site visit, the available depth of garden would provide an area which, although smaller than the retained host garden and others in the vicinity, would not be unduly enclosed. Its orientation would allow for sunlight for much of the day and it would have sufficient space for a range of activities such as clothes drying and sitting out. Additionally, due to the proposed decrease in the number of bedrooms from three to two, the garden would provide an adequate and useable amenity space for future residents.
13. The SPD recommends that single aspect dwellings are not north facing and concern has been raised that due to the proposed mainly single aspect design of the dwelling, outlook may be limited. This dwelling would face south east with the ground floor living area served by two windows and the open-plan dining kitchen, by one. Due to the limited depth of the dining kitchen and its open plan nature, it is likely that natural light would be available throughout the space and outlook to the front would be present. Similarly, the first floor bedrooms would also be served by south east facing front windows. The bathroom and landing would be the only rooms without outlook, and these are not habitable rooms.
14. The proposal would provide adequate outlook and outdoor amenity space and would not harm the living conditions of future occupiers. It would therefore not conflict with policy DC61 of the Core Strategy which amongst other matters seeks that proposals do not result in poor levels of privacy, light or overlooking.

Living conditions of neighbouring occupiers

15. The proposal would be adjacent to 3 Coombe Road which has obscure windows to the side. The properties would be separated by an access road and the proposal would have no windows on this facing side elevation. Due to the separation and lack of overlooking, combined with the position of the proposal further forward with respect to the garden area of No 3, it would be unlikely to have an overbearing effect upon this dwelling or their garden. Similarly, the proposal would be some distance from the rear elevation of the dwellings on Beltinge Road. Therefore, although it would be likely to affect their view, it would not be overbearing, nor would it have a detrimental effect upon light, outlook or privacy. The proposal would therefore not conflict with Policy DC61 of the Core Strategy which seeks that development does not overshadow or have an adverse effect upon the privacy, outlook or light to existing properties.

Planning balance and conclusion

16. The proposal would conflict with the development plan policies. Policy DC61 of the Core Strategy and Policy 7.4 of the London Plan with respect to its harm to the character and appearance of the area. The appellant, citing Havering London Borough Housing Position Statement 2018, contends that the Council cannot demonstrate a five year housing land supply (HLS) and that the presumption in favour of sustainable development is engaged. The NPPF in paragraph 11(d) and footnote 7 explains that for applications involving the provision of housing, policies which are most important for determining the application are out of date where a five year HLS cannot be demonstrated. In such circumstances, planning permission should be granted unless one of two exceptions apply in NPPF paragraph 11(d)(i) or (ii).
17. The Council considers that a five year HLS can be demonstrated and has produced a summary document regarding its current housing supply figures. This cites evidence within a more recent Housing Position Statement, May 2019 and gives three different figures for housing supply, 4.91, 5.58 and 5.62 years depending upon which approach is used to calculate the figure. The appellant has not disputed these updated figures.
18. The government is seeking to significantly boost the supply of housing and I acknowledge that the proposal would be in a sustainable position and deliver one additional two bedroom dwelling. It would also have modest economic benefits through its construction phase and bring additional residents into the area. However, these are modest benefits and I am not satisfied that the proposal would be acceptable in terms of its effect upon the character and appearance of the area. Therefore, even if I were to have regard to Paragraph 11(d)ii, the adverse impacts of the proposal upon the character and appearance of the area would significantly and demonstrably outweigh the benefits derived from one additional dwelling.
19. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR