



Appeal Decision

Site visit made on 14 January 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/B5480 /W/19/3240223

Land rear of 23 Brentwood Road, Romford RM1 2HA

- 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 Mrs Amal Boujaddain against the decision of the Council of the London Borough of Havering.
 - The application Ref P0840.19, dated 24 May 2019, was refused by notice dated 15 August 2019.
 - The development proposed is the erection of a two storey three bed detached dwelling on the land at the rear of 23 Brentwood Road, Romford with associated cycle storage and landscape.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the effect of the development on the character and appearance of the area;
 - ii. the effect of the development on the living conditions of the occupiers of existing neighbouring residential properties at 21-25 Brentwood Road, with particular regard to overlooking and loss of privacy; and
 - iii. whether the proposal would prejudice future development of the adjoining land in Tolbut Court.

Procedural Matter

3. The evidence indicates that there is an emerging local plan for the borough which is at a relatively advanced stage. Given that work is ongoing with that plan and as both parties have focussed on the Havering Core Strategy and Development Control Policies DPD (2008) (HCSDCP) I have afforded the emerging plan limited weight in relation to this appeal.

Reasons

4. The proposal relates to a parcel of land which sits to the rear of 23 Brentwood Road which is a residential dwelling contained within a short terrace of four properties. To the west and north sits the well-established flatted development of Tolbut Court, and immediately to the north sits a parking area which is associated with this development.

Character and appearance of the area

5. Policy DC61 of the HCSDCP states that Planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. Amongst other things, proposals are required to respond to distinctive local patterns of development and complement or improve the character of the area in which they would be situated.
6. The appeal site and the adjoining land to the rear of the neighbouring properties on Brentwood Road show only limited levels of development which is generally restricted to very low-level outbuildings of limited visibility from the parking area. Most buildings are shielded from view by timber fencing and gates. The proposal would see the provision of a reasonably substantial two storey three-bedroom dwelling, which would occupy the full width of the plot, affording the proposed dwelling a cramped appearance, even though it would be set in slightly from the parking area. In this location, the proposal would be significantly out of character with the prevailing pattern of development to the rear of 21-27 Brentwood Avenue.
7. My attention has been drawn to the development of other dwellings fronting Lennox Close which have been built to the rear of residential dwellings on South Street. Whilst these sites are located a relatively short distance from the appeal site to the west of Tolbut Court, I do not find the appeal site directly comparable as these properties share a different context due to there being a variety of well-established buildings, including one prominent building of substantial scale immediately fronting onto Lennox Close. These developments do not therefore justify the appeal.
8. I conclude on this issue therefore that the proposal would fail to respond to local patterns of development and would not complement or improve the character of the area. It would consequently be contrary to Policy DC61 of the HCSDCP insofar as it relates to these matters.

Living conditions

9. Although the rear bedroom windows would result in the potential for some limited overlooking towards the rear gardens of properties on 21-25 Brentwood Road these gardens are already likely to be subject to some degree of overlooking from windows to the rear of properties on the terrace. Further, the proposal would provide a rear garden of reasonable depth which would allow the first-floor windows in the rear elevation to be set off a good distance from the garden at No. 23. The proposal would be set off from the main rear elevation of the terrace which contains 21-25 Brentwood Road in excess of 20m meaning that any opportunity for overlooking which would result in a loss of privacy would be very limited.
10. Taking all of the above factors into account, I conclude on this issue that the proposal would not have an unacceptable impact on the living conditions of the occupiers of 21-25 Brentwood Road with particular regard to overlooking or loss of privacy.
11. Consequently, the proposal would therefore protect the living conditions of neighbours and would not conflict with Policy DC61 of the HCSDCP insofar as it seeks to protect the living conditions of existing occupiers.

Future development

12. Amongst other requirements, Policy DC61 of the HCSDCP suggests that planning permission will not be granted where a proposal prejudices the satisfactory development of adjoining land and/or the development of the surrounding area as a whole. The Council are concerned that the proposal, by reason of its close proximity to the Tolbut Court parking area would prejudice future development within this location.
13. The evidence indicates that the Tolbut Court development, including the parking area is subject to a borough wide land review. However, nothing within the evidence indicates whether development is planned for the parking area and whether if it were planned, what form it may take. I also note from the comments on the appeal that the parking area appears to be a valued facility for existing residents of the development. Taking this into account, on the basis of the evidence before me in relation to this appeal, I am unable to conclude that the proposal would prejudice development opportunity at the neighbouring site.
14. I conclude on this matter therefore, that I cannot identify conflict with Policy DC61 of the HCSDCP insofar as it seeks to ensure that proposals do not prejudice the satisfactory development of adjoining land.

Planning Balance

15. The 2019 Housing Delivery Test results indicate that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of The National Planning Policy Framework (the Framework) is relevant to the determination of this appeal.
16. I have found that the proposal would fail to respond to local patterns of development and would not complement or improve the character of the area. As it would fail to accord with Policy DC61 of the HCSDCP the development would conflict with the development plan. In relation to this appeal, this development plan policy has relevance as it has conformity with the Framework which is also concerned with similar matters and which advises at Paragraph 127, amongst other things, that planning decisions should ensure that developments are sympathetic to local character.
17. The Framework does offer support for new housing in sustainable locations that represents an efficient use of land. However, whilst the delivery of housing has been substantially below the housing requirement over the previous 3 years, given the limited quantum of development before me, the benefits in terms of housing delivery would be limited. The Framework also has other aims, one such being the desire to achieve well designed places. The proposal would be significantly out of character with the prevailing pattern of development. Given the degree of harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The proposal does not therefore benefit from the presumption in favour of sustainable development.
18. Having considered the development against paragraph 11 d) of the Framework there are no material considerations which indicate that my decision should be taken otherwise than in accordance with the development plan.

Other Matters

19. The Council has raised concern in relation to rights of access to the development over the parking area. However, as I have found other matters to be determinative and given my decision to dismiss the appeal, I have not given this matter any further detailed consideration. Other examples of planning approvals have been identified within the supporting statement. However, no significant level of detail has been supplied and I cannot afford these examples significant weight. In any event, each case needs to be determined on its own merits. I have no reason to disagree with the Sunlight and Daylight report which does not identify any significant adverse impact in relation to these matters to any nearby property. This is however a neutral factor.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR