

Appeal Decision

Site visit made on 12 February 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/B5480/W/19/3240427

53 Tangmere Crescent, Hornchurch RM12 5PX

- 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 D Williams against the decision of the Council of the London Borough of Havering.
 - The application Ref P0277.19, dated 20 February 2019, was refused by notice dated 10 September 2019.
 - The development proposed is construction of a new dwelling with private amenity and off street car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling with private amenity and off street car parking at 53 Tangmere Crescent, Hornchurch, RM12 5PX in accordance with the terms of the application, Ref P0277.19, dated 20 February 2019 subject to the conditions set out in the attached schedule.

Procedural Matter

2. Within their evidence, the Council refer to the emerging Havering Local Plan 2016-31 (HLP). The HLP is yet to be adopted and is therefore subject to change. Consequently, the emerging plan carries limited weight in my decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located at the junction of Tangmere Crescent and Hawkinge Way. These relatively narrow streets are characterised by runs of terraced dwellings. In common with other nearby roads within the estate, dwellings are typically arranged on strong building lines fronting the street with limited spacing between them. Around junctions though, there is more variety in the relative positions of dwellings where these front different streets. In addition, while dwellings on corners are often positioned on larger plots with gardens extending to their sides providing for an increased sense of spaciousness, this is not uniform and there are also a number of sites where buildings are set close to the boundaries at their sides creating a more enclosed character.
5. The appeal site is to the side of the end-of-terrace dwelling at 53 Tangmere Crescent. It is currently occupied in part by a single-storey garage projection to this dwelling, as well as part of the rear garden and site frontage.

6. The proposed dwelling would replace the existing development on the site. It would be attached to 53 Tangmere Crescent and would be broadly in line with the adjacent front and rear building lines at ground floor level although it would be set back from the front elevation of this neighbour at first floor level. To the rear of the dwelling would be a small rear garden, as well as parking for two vehicles which would be accessed via Hawkinge Way to the rear of the site. The information before me indicates that the proposed development is similar to an earlier proposal for a dwelling on the site which was dismissed at appeal in February 2019¹. However, the dwelling which is now proposed would have a hipped roof form rather than the gable-end design of the earlier scheme.
7. The style and appearance of the dwelling has been designed to reflect nearby properties, and I see no reason to disagree with the Council's assessment that it would assimilate with neighbouring dwellings in this regard.
8. The side elevations of the dwellings at 2 and 14 Hawkinge Way to the rear of the site currently align broadly with the side of 53 Tangmere Crescent at two-storey level. The side of the proposed dwelling would be closer to Hawkinge Way than these dwellings to the rear and would be clearly visible in views from both Tangmere Crescent and Hawkinge Way.
9. Nevertheless, although the strong building lines of dwellings fronting streets is a characteristic feature of the area, there is much less consistency in the relationship between dwellings positioned around junctions and where flank elevations address streets. This includes along Hawkinge Way where the side of the dwelling at 26A Hawkinge Way is set closer to the street than the side of the dwellings at 2 and 14 Hawkinge Way, an arrangement that is visible from both Tangmere Crescent and Hawkinge Way.
10. The proposed development would mirror this relationship and would not therefore disrupt any strong building line along Hawkinge Way. Given this and the lack of uniformity to the arrangement of dwellings around junctions and where side elevations front streets, I find that the visual impact of the development would not be unduly prominent or intrusive in the street scenes of either Hawkinge Way or Tangmere Crescent.
11. The separation between the side of the proposed dwelling and the boundary to the side of the site with Hawkinge Way would be relatively limited, and so the proposal would increase somewhat the sense of enclosure at this junction.
12. The Inspector in the earlier appeal decision on the site noted examples of two-storey development on corner plots nearby, but was of the view that these examples differed in their impact from the development proposed and were not so significant as to change the character of the estate. I agree that a number of the examples cited within the decision are not directly comparable to the appeal proposal including by reason of additional spacing in the street from wider footways or areas of landscaping.
13. However, I observed dwellings set on or in close proximity to the boundaries at their sides on a number of junctions near to the appeal site. These include sites with a similar relationship to that which is proposed on the appeal site. For example, I saw that the dwellings at 44 Tangmere Crescent and 31 Manston Way both extend close to the footway of the adjacent streets which seem to

¹ Appeal reference APP/B5480/W/18/3209746

me to be similar in width to Hawkinge Way. These examples are not specifically referred to within the earlier appeal decision and so I cannot be certain that they informed the Inspector's considerations. While I recognise that these examples arise from extensions to existing dwellings rather than new dwellings, the resulting built form nevertheless affects the balance of spacing around junctions and adds variety to the established character of the area surrounding the appeal site.

14. The spacing provided to the side of the proposed development would not be dissimilar to that which I saw is afforded to the sides of a number of sites nearby where dwellings abut or are built close to their boundaries. With regard to these examples and the area's established character, I find that the reduction in spacing and additional enclosure of this junction, and the position of the dwelling beyond the side elevations of 2-24 Hawkinge Way would not be out of keeping or incongruous. Further, the proposed dwelling would not be hard up against the boundary and the set back of the first floor level of the dwelling would also help to reduce its visual impact.
15. The Inspector in the earlier appeal found that the introduction of a 'large, blank, rather austere gable end' to the dwelling would be intrusive in views from Tangmere Crescent towards the site, adding to concerns regarding the position of the dwelling in relation to the boundary and 2-24 Hawkinge Way. However, the dwelling now proposed has been revised to include a hipped roof form. As such, there has been a material change to the development considered in the earlier appeal. The revision to the roof form considerably lessens the bulk of the dwelling at the higher level and as a consequence, the visual impact of the development would be significantly reduced.
16. Given the context of the surrounding area and the changes which have been made to the proposed dwelling, the development which is now proposed would not be an exceptional or dominant feature, and the dwelling would not be unduly prominent or intrusive in the street scenes of either Tangmere Crescent or Hawkinge Way. I am therefore satisfied that the development would be a sympathetic addition to the area and the reasons for dismissal of the earlier appeal have been overcome. I further note that the proposal would make effective use of this site within an existing residential area which is in a relatively accessible location served by local facilities and public transport.
17. For these reasons, I conclude that the development would not cause unacceptable harm to the character or appearance of the area. I therefore find no conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document 2008 or Policy 7.4 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011. Broadly, these policies seek high quality design and development that maintains, enhances or improves the character and appearance of the local area. For similar reasons, I find no conflict with guidance provided within the Residential Design Supplementary Planning Document 2010, including that development should respond to distinctive local building forms and patterns.

Other Matters

18. I have had regard to matters raised by third parties but these do not alter my overall conclusions. Owing to the relationship of the development with neighbouring dwellings the proposal would not result in any significant loss of light or outlook for neighbouring occupiers. There is no firm evidence to

suggest that the provision for parking on the site would be inadequate, and any effects from the construction period would be short-term and could be mitigated by careful construction management. Ownership issues are a private matter between the relevant parties and not within my jurisdiction.

19. On 13 February 2020, the Government published the results of the 2019 Housing Delivery Test (HDT). The results suggest that, when applying footnote 7 of the National Planning Policy Framework (the Framework), the presumption in favour of sustainable development contained within paragraph 11(d) of the Framework would be relevant to the proposed development. Nevertheless, as I have found that the proposed development would accord with the development plan, this is not a matter I need to consider further within my decision.

Conditions

20. I have considered the conditions suggested by the Council and interested parties. Where necessary, I have altered these for clarity and to ensure compliance with the relevant tests outlined at paragraph 55 of the National Planning Policy Framework.
21. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty (2). Conditions relating to external materials (3) provision of landscaping (4) and boundary treatment (5) are necessary to ensure a satisfactory appearance. Conditions requiring the provision of parking (6), cycle storage (7), storage for refuse and recycling (8) and to require low NO_x emissions from any boilers which may be installed (9) are also necessary in the interests of ensuring highway safety, adequate parking and provision for waste and recycling for the development and air quality.
22. While not included on the Council's list of suggested conditions, the Council's report on the application referred to imposition of a condition to remove permitted development rights in order to ensure the rear garden space of the dwelling would not be unacceptably diminished. I note that paragraph 53 of the Framework states planning conditions should only restrict national permitted development rights where there is clear justification to do so. However, given the relationship of the proposed dwelling with its plots and limited garden, I am satisfied that such a condition to prevent the construction of extensions or incidental buildings to the rear of the dwelling (10) is necessary to ensure amenity space is maintained for future occupiers and in the interests of the character and appearance of the area.
23. A highways condition requiring vehicle cleansing facilities has also been suggested within representations on the proposed development. However, I am not persuaded that this would be necessary given the nature of the appeal site and the scale of the development, and so I have not imposed this condition.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-5672_11, PL-5672_13, PL-5672_14 and PL-5672_15.
- 3) No development above ground level shall take place until a written specification of external walls and roof materials to be used in the construction of the development hereby permitted has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
- 4) No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. This shall include details of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following the occupation of the dwelling hereby permitted or the completion of the development, whichever is sooner. Any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 5) The development hereby permitted shall not be occupied until boundary treatment to include segregation of the rear garden into individual plots for each unit as detailed on plan No PL-5672_15 has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be retained in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until the parking spaces shown on plan No PL-5672_15 have been laid out and surfaced for use by the occupants of the proposed dwelling and their visitors. The spaces shall thereafter be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
- 7) The development hereby permitted shall not be occupied until cycle storage has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter be retained in accordance with the approved details.
- 8) The development hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage facilities shall thereafter be retained in accordance with the approved details.
- 9) No boiler(s) shall be installed until details of the boiler(s) have been submitted to and agreed in writing by the Local Planning Authority. These details shall provide for the installation of Ultra-Low NO_x boilers with maximum NO_x emissions less than 40mg/kWh or the installation of

abatement equipment or technology to ensure maximum NO_x emissions of less than 40mg/kWh. The installation of the boilers and any abatement equipment or technology to attain these standards shall be carried out in accordance with the agreed details and shall be permanently retained as such thereafter.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement, addition or other alteration as defined within Classes A and E of Part 1 of Schedule 2 of the Order shall be carried out to the rear of the dwelling hereby permitted.