



Appeal Decision

Site visit made on 16 March 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2020

Appeal Ref: APP/B5480/W/19/3243187

82 Wingletye Lane, Hornchurch RM11 3AU

- 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 QFC Contractors against the decision of the Council of the London Borough of Havering.
 - The application Ref P1519.19, dated 4 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is the demolition of the existing dwelling and the erection of 2no. four-bedroom semi-detached dwellings with associated in-curtilage parking and private amenity space.
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Decision

1. The appeal is allowed. Planning permission is granted for the demolition of the existing dwelling and the erection of 2no. four-bedroom semi-detached dwellings with associated in-curtilage parking and private amenity space at 82 Wingletye Lane, Hornchurch RM11 3AU in accordance with the terms of the application, Ref P1519.19, dated 4 October 2019 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 19/013/FUL/PL1000, 19/013/FUL/PL1001, 19/013/FUL/PL1002, 19/013/FUL/PL10.01, 19/013/FUL/PL10.02, 19/013/FUL/PL10.03 and 19/013/FUL/PL10.04.
 - 2) 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 windows other than those expressly authorised by this permission shall be constructed on the side elevations of the dwellings hereby permitted.

Procedural Matter

2. At the time of my site visit the existing dwelling which the evidence indicates previously occupied the site had already been demolished.

Main Issues

3. The main issues are:
 - i. the effect of the proposal on the character and appearance of the area; and

- ii. the effect of the appeal proposal on the living conditions of the occupiers of 84 Wingletye Lane, with particular regard to light and outlook.

Reasons

Character and appearance

4. Wingletye Lane has a residential character and hosts a wide range of dwellings of varying type, design, materials and scale. The majority of dwellings front onto the road and have gardens and parking areas but otherwise there are few features to unify the area.
5. To the north of the dwelling sit No 84 and No 86 Wingletye Lane, a pair of semi-detached bungalows. Whilst the proposal would be significantly higher than these dwellings, bungalows and two storey dwellings exist side by side on other parts of the street and this would not be an uncommon arrangement. While the dwelling would have a slightly higher ridgeline than No 78 and No 80 to the south, the increase in height would be minimal. I was able to note another example of a crown roof in the area and this feature would not therefore be significantly out of character.
6. The pair of semi-detached dwellings proposed would occupy a fuller width of the plot at two storey level than the previous detached dwelling. However, while the massing of development on the site would be greater, this increase would not be excessive and the resultant massing would remain in proportion with the large plot which extends a significant distance to the rear. The dwellings would follow the stepped building line of properties on this side of the street and would be set behind the front building line of No 84 and in front of the building line of No 80. While brickwork is not the predominant building material on the street, it is commonly incorporated on many properties on Wingletye Lane. As a consequence, its use as a main building material would not be inappropriate.
7. I therefore conclude on this issue that the proposal would not form an overly prominent feature within the street scene and as a result would not detract from the character and appearance of the surrounding area. It would therefore accord with Policy DC61 of the Havering Core Strategy and Development Control Policies DPD (2008) (HCSDCP) which amongst other things requires that to achieve high quality design, development should be of a scale, massing, layout and appearance which respects and enhances the positive qualities of nearby properties and the locality.

Living conditions

8. The dwellings would be set in from the boundary with No 84, while this property is also set in from the boundary with the appeal site by the width of a single garage. The dwellings would be positioned to the south of No 84 which has a rear bay window and conservatory. However, the two-storey element of the dwellings proposed would only project a short distance beyond the rear elevation of No 84 while the further projection would only be in the form of a single storey outrigger, of limited height and bulk. Further, No 84 would still benefit from an open rear aspect by virtue of its own lengthy rear garden and those adjacent.
9. While the evidence is unclear on whether the bay window adjacent to the appeal site on the rear elevation of No 84 serves a habitable room, even if this

were the case, I do not consider that the dwellings proposed would have a significant detrimental impact on the living conditions of occupiers at No 84 for the reasons above.

10. Due to these factors, I am not persuaded that the proposal would form an overly dominant feature which would result in significant loss of outlook. I am also not persuaded that the proposal would result in significant loss of light caused by overshadowing to the occupiers of No 84. There is nothing within the evidence to suggest that the proposal would result in any substantial additional loss of sunlight to the conservatory or rear bay window of No 84 at most times of the day bearing in mind that the site previously hosted a two-storey dwelling.
11. Therefore, I conclude on this issue that the proposal would not have a significant adverse effect on the living conditions of the occupiers of No 84 Wingletye Lane, with particular regard to light and outlook. Nor would it be likely to compromise any future development potential of adjoining land, although any such future proposal would have to be considered by the Council in any event. As a result, the proposal would not conflict with Policy DC61 of the HCSDCP which amongst other things seeks to protect the living conditions of neighbouring occupiers.
12. 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.
13. I have found that the proposal would not detract from the character and appearance of the area and would not have an unacceptable adverse impact on the living conditions of neighbouring occupiers. It would therefore accord with Policy DC61 which I consider to be the most important policy in determining this application. In relation to this appeal, Policy DC61 has relevance as it has conformity with the Framework which also requires that development is sympathetic to local character and protects the living conditions of others.
14. Other development plan policies have been brought to my attention. The proposal would accord with HCSDCP Policies CP2, CP17, DC32, DC33, DC34, DC35 and DC36 relating to sustainable communities, design, the road network, parking, walking and cycling and servicing. Policies CP1 and DC2 relate to housing supply, mix and density. Given the limited scale of the proposal these policies are somewhat peripheral but nothing within the evidence suggests that the dwellings proposed would make an inappropriate contribution to housing mix. Policy DC29 relates to educational premises while Policy DC72 relates to planning obligations. These policies appear to have little relevance to this proposal. Policy DC3 is broad and relates to housing design and layout which references other policies. I have not identified any conflict with the policies of the London Plan (2016) that have been brought to my attention nor with guidance within the SPD¹.
15. I do not therefore identify any conflict with the development plan as a whole. I have not identified any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits of the provision of two

¹ Havering Design for Living Residential Design Supplementary Planning Document 2010.

dwellings on this well-located site. The proposal therefore benefits from the presumption in favour of sustainable development which weighs in favour of the proposal. While this is the case, 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.

Conditions

16. I have considered the conditions suggested by the Council in light of the tests in paragraph 55 of the Framework and Planning Practice Guidance (PPG). I have attached a condition referencing the approved plans for the avoidance of doubt and in the interests of certainty. I have also imposed a condition restricting the provision of additional windows to the flank elevations in the interests of the living conditions of neighbouring occupiers.
17. Further conditions are suggested by the Council. Given that the dwelling which previously occupied the site has been demolished, the development has commenced and a time limit for implementation is therefore not necessary. The application form is clear as to the materials proposed so a condition requiring these details is unnecessary. Conditions relating to water efficiency and low emission boilers do not appear to be necessary as no supporting policy or clear justification has been provided. Cycle storage and areas for refuse and recycling could be easily accommodated within the large grounds of each dwelling and conditions relating to these matters would be unnecessary on a scheme of limited scale. A condition has been suggested which relates to CIL charges, however PPG advises against the use of positively worded conditions requiring payment of money and I have not included a condition in this regard for that reason.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR