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# Appeal Decision

Site visit made on 21 July 2020

**by David Wallis BSc (HONS) PG DipEP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> July 2020**

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**Appeal Ref: APP/B5480/W/20/3246477**  
**40 Amersham Road, Romford RM3 9JB**

- 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 R Clarkson against the decision of the Council of the London Borough of Havering.
  - The application Ref P1524.19, dated 4 October 2019, was refused by notice dated 15 January 2020.
  - The development proposed is Erection of a separate dwelling comprising of two floors (one bedroom), onsite parking with amenity area.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The main parties mention the emerging policies of Havering Local Plan 2016-31 and the emerging London, although neither document is referred to in the Council's reasons for refusal. I have therefore determined the appeal on the basis of the policies cited from the adopted Development Plan and will give no further consideration to the emerging policy context.
3. The appellant has suggested that the proposed off-street car parking space could be removed so as to augment the proposed private garden area, but this was not a formal proposal before the Council at the time of determining the application. With regard to the case *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37], I give no weight to such considerations in this appeal.

## Main Issues

4. The main issues for the appeal are the effect of the development upon:
  - the character and appearance of the area
  - the living conditions of existing occupiers at No 42 Amersham Road with regard to outlook and privacy; and
  - the living conditions of future occupiers of the development with regard to a quality living environment.

## Reasons

### *Character and appearance of the area*

5. This residential area comprises of terraces or pairs of semi-detached two storey dwellings. Two storey extensions, where constructed, are of similar height to their respective dwellings and follow the same ridge orientation. Some properties have linked single storey extensions with hipped roofs, although these are generally part of the estate's design. There is a consistent rhythm and pattern to the layout and appearance of the built environment, contributing to a sense of place in the area.
6. The appeal site is part of a pair of semi-detached dwellings. It has an irregular shaped garden compared to the majority of houses in the estate and shares this characteristic with the neighbour of No 42 Amersham Road.
7. The proposal would introduce an end of terrace dwelling with a multi-faceted roof to the side of No 40 Amersham Road. It would have a ridge height lower than the host dwelling, and also lower than comparable two storey side extensions in the vicinity. To fit within the site boundaries, the dwelling would have an L-shaped footprint resulting in a narrower profile and form compared to the prevailing pattern of development in the estate.
8. Consequently, the dwelling would appear squat, visually discordant and incongruous within the estate, appearing as a design contrived to fit the plot rather than to harmonise with the surrounding built environment. On this prominent corner, the proposal's irregular height, roofscape, bulk and mass would starkly contrast with the character and appearance of the estate and would abruptly disrupt the sense of place.
9. The proposal therefore fails to comply with policy DC61 of the Core Strategy and Development Control Policies Development Plan Document 2008 (the Local Plan), which seeks development that maintains, enhances or improves the character and appearance of an area. It also conflicts with policies 7.4 and 7.6 of the London Plan 2011, which require architecture to make a positive contribution to a coherent public realm.

### *Living conditions of existing occupiers*

10. The dwelling of No 42 sits perpendicular to the appeal site and has a window at first floor level in the flank elevation facing towards the appeal site. The angular nature of its front and rear garden space places this neighbouring occupier in a physically proximate relationship to No 40 and very close to the shared boundary.
11. Whilst the flank window at No 42 does not appear to serve a habitable room, the proposal would have an impact on its outlook. The proposal would be close to the shared boundary, obstructing the outlook from the window and unduly enclosing the amenity area of the neighbouring occupier and thus likely to harmfully impact on the enjoyment of the enjoyment of these outdoor spaces.
12. I acknowledge that the appeal scheme follows an earlier refused application and has incorporated a design change at first floor level so only an obscure-glazed bathroom window faces towards No 42. In my view, whilst this would

mitigate any direct loss of privacy, there would remain a perception of being overlooked from this window. Together with the effects upon outlook identified above, this would adversely affect the quality of the living environment for neighbouring occupiers.

13. The proposal would cause harm to neighbouring occupiers through a loss of outlook and a perceived loss of privacy and is therefore in conflict with policy DC61 of the Local Plan, which states development resulting in adverse effects should be refused.

#### *Living conditions of future occupiers*

14. The Nationally Described Space Standards (NDSS) suggest that for a unit with 1 bed for 1 person should have at least 39 square metres of floor space where a bath is included, although there is no stated standard set where the accommodation is spread over two levels.
15. The design of the development shows a double bed in the bedroom. It is therefore demonstrated on the submitted plans that the proposal has a high likelihood of accommodating more than 1 person, which triggers a need for 58 square metres to be provided in line with the NDSS. The proposal would therefore fall short of providing the necessary internal floor space to provide a quality living environment.
16. The front garden of No 40 is enclosed by high timber fencing at present and is proposed to remain so in the appeal scheme, with a bin storage area included in the garden. Only a narrow pathway would connect this garden space with an area close to the northern side of the proposed dwelling shown designated for a rotary washing line. The limited spatial characteristics of the proposed garden areas, enclosed by high fencing, would provide a poor-quality outdoor environment for any number of prospective occupiers.
17. On this basis I conclude that the proposal would fail to provide a quality living for future occupiers. The proposal fails to comply with policies DC61 of the Local Plan and 3.5 of the London Plan 2011, which together require housing developments to be of the highest quality internally, externally and in relation to their context.

#### **Other Matters**

18. I note that the Council, when referring to the results of the Housing Delivery Test, concede that it cannot demonstrate a five-year housing land supply. The so-called 'tilted balance' is thus engaged and the National Planning Policy Framework (the Framework) directs decision-makers to paragraph 11(d).
19. The proposal would contribute towards boosting housing supply, particularly for the demographic intended, in what is no doubt an accessible area with a number of facilities and services within walking distance. The proposal would also make a contribution, albeit strictly limited due its size and nature, towards the local economy.
20. I note that the appellant relies on the fall-back position of permitted development rights for a single storey side extension and makes a statement of intent in this regard. However, I only afford this limited weight since the limitations of permitted development would result in a more modest scale and form of development compared to the appeal proposal.

21. However, I have identified significant harm to both the character and appearance of the locality as well as to living conditions of existing and future residents. The proposal would not result in the optimal use of land as it fails the environmental limb of sustainability set out in the Framework. These harms clearly outweigh the limited benefits attributed to the proposal.

**Conclusion**

22. For the reasons above, I dismiss the appeal.

*David Wallis*

INSPECTOR