



Appeal Decision

Site visit made on 17 August 2020

by C Jack BSc MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/B5480/W/20/3249809

14 Haynes Road, Hornchurch RM11 2HT

- 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 Gerasimos Stamatelatos for Aventier against the decision of the Council of the London Borough of Havering.
 - The application Ref P1548.19, dated 9 October 2019, was refused by notice dated 4 March 2020.
 - The development proposed is demolition of a single family dwelling and erection of six 2-storey houses with accommodation in the roof, containing 5x4 bedroom and 1x3 bedroom, with associated access, 9 parking spaces, cycle storage and refuse store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans were submitted to the Council during the course of its considerations and the application was determined on that basis. The application form describes the proposed development with 9 parking spaces, while the appeal form and the Council's decision notice show a revised description with 8 spaces. Notwithstanding the description in the heading above, which is taken from the original application form, I have considered the appeal on the basis of the revised plans and description and I am satisfied that there would be no prejudice arising from my doing so.

Main Issue

3. The main issue is the effect of the proposed development on the character of the area.

Reasons

4. Haynes Road is an established residential street, comprising a variety of mainly detached houses and bungalows. Most dwellings near the appeal site face the street and are set moderately back from the highway to a generally uniform distance, albeit there is some irregularity of plot shapes and sizes. The appeal site at 14 Haynes Road differs significantly because it is set behind the frontage row of dwellings along Haynes Road, roughly midway between the nearest Haynes Road properties and the houses at the end of Hardley Crescent beyond. This situation is generally agreed to be atypical locally, and indeed I saw no similar situations nearby. Currently, the site is occupied by a modest bungalow of traditional style, with its principal access via a drive running between neighbouring 12 and 16 Haynes Road. In this tucked-away position, the

existing site and bungalow are very unassuming in the street scenes of Haynes Road and Hardley Crescent.

5. Moreover, notwithstanding the offset position of the existing bungalow, the site is currently harmonious in character with the generally spacious and established-garden feel of the surroundings in this part of Haynes Road, where the dwellings are principally bungalows or chalet-bungalows in pitched roofs. Thus, nearby dwelling heights in the immediate vicinity are generally modest, with the closest full two-storey house presenting side-on from Hardley Crescent towards both the site and the rear the nearby properties on Haynes Road. This generally modest, 'bungalow scale' contributes very strongly to the spacious feel and established character in and immediately around the appeal site.
6. While the introduction of six two-storey houses would be compatible in principle with the overriding residential nature of the area, and the footprint shown in the appellant's proposed Ground Figure Plan would be generally consistent with the higher-level grain, the combined number and scale of dwellings, would be out of keeping with the particular characteristics of the site and much of its immediate setting. The scale, nature, and mass of the built form would dominate the site and surroundings and, together with the proximity of the new dwellings to the boundaries and their relative orientation, this would be incongruous and overbearing in relation to the nearby principally bungalow-scale development in this part of Haynes Road. The new row of two-storey dwellings would be notably out of keeping with, and thus harmful to, the prevailing character of the site and its setting.
7. I note that the proposed contemporary design would enable the overall scale and height of the new two-storey buildings to be limited, compared to a more traditional design approach, and that there is no specific local policy requirement in regard to separation distances or 'backland' development. I also note that the Council has not raised specific concern with the proposed design and appearance *per se*, and I see no reason to conclude otherwise in that respect.
8. However, this generally acceptable appearance, does not avert my finding that the development would be harmfully out of character in its context. While it would be set back and largely screened from public views, and of generally acceptable appearance, it would be unmissable and over-dominant in relation to the nature, pattern and layout of the neighbouring bungalows and chalet-bungalows and the limited rear gardens at some of those properties. This would result in a detrimental effect on the character, in terms of the feel and experience of the immediate locality and, as such, local character would not be maintained, enhanced or improved.
9. I conclude that the proposed development would substantially harm the character of the immediate area, contrary to Policy DC61 of the London Borough of Havering Core Strategy and Development Management Policies Development Plan Document 2008, which seeks to ensure that development would maintain, enhance or improve the character of the local area, including by responding to and respecting the surrounding physical context.

Other Matters

10. The appellant contends that the Council cannot demonstrate five years' supply of deliverable housing sites and has drawn my attention to the 2019 Housing

Delivery Test (HDT) measurement results, published 13 February 2020, which show delivery of 33% for the Borough and thus consequence in relation to the application of paragraph 11 of the National Planning Policy Framework (the Framework) regarding the presumption in favour of sustainable development. The Council considers it can demonstrate a supply when considered in relation to the 2016 London Plan, rather than its 2008 Core Strategy, subject to certain buffer and shortfall parameters applying. Should those parameters not be applied, the Council effectively accepts that its demonstrable supply falls below five years'.

11. The Council has set out concerns with the 2018 HDT result but has not specifically addressed the 2019 HDT result in respect of this appeal. Nevertheless, the published delivery figure falls below the transitional requirement of 45% set out in Annex 1 of the Framework in relation to the 2019 HDT results. Accordingly therefore, and whether or not there is currently a 5-year supply in the Borough, Paragraph 11 and Footnote 7 of the Framework indicate that Policy DC61, which is most important for determining the application, should be considered out-of-date for the purposes of this appeal in light of the HDT identified delivery shortfall.
12. There would be a number of benefits arising from the development, including: a windfall net gain of 5 dwellings to the local housing supply; associated short term and enduring benefits to the local economy, making more efficient use of the site; and presenting a small scale development with the potential to be delivered quickly. Collectively, these are realistic benefits that weigh significantly in favour of the appeal, particularly in the context of recent delivery of housing falling substantially below the HDT requirement. Albeit, in relation to supply and the economy the specific contribution of 5 additional dwellings would be modest.
13. I note that no objections were raised to the application from a number of consultees including from highways, environmental health, and waste and recycling officers. I consider adequate on-site parking is proposed, noise arising from the completed development would be likely to be consistent with that in an established residential area such as this, and that additional natural surveillance would be provided from the new dwellings, including in respect of any cut-through use arising and no significant harm would be likely in relation to safety and security.
14. I also note that the proposal was carefully evolved to avoid breach of the Council's technical standards such as in relation to residential living conditions including light and privacy, which the Council accepts, and I see no reason to find otherwise given necessary matters could be controlled by the suggested conditions. However, the lack of objection or harm in these various regards is a neutral factor in the balance. Additionally, no adopted standards for private amenity space provision are before me and, while the proposed garden areas would be relatively small, I am not persuaded that they would be harmfully small in terms of the living conditions of future occupants, and this is also a neutral factor in the balance.
15. My attention has been drawn to a previous appeal decision¹, which I am advised relates to a site within about 1km of 14 Haynes Road and within the same Borough. There are similarities between the two cases, including that

¹ Ref APP/B5480/W/15/3011355 dated 25 November 2015

both sites are situated near the end of a close and in positions where the visual appearance of the proposal would be limited in public views. However, the immediate setting and context of built form around the site 1km away are unlikely to be consistent with that at 14 Haynes Road to a directly comparable degree. Importantly in this instance, it is not apparent that the prevailing character of the locality in the earlier appeal was of a similar nature and 'bungalow scale' as this part of Haynes Road. While I have had mindful regard to it, the appeal decision therefore carries only limited weight in favour of the appeal before me, which I have considered on its individual merits.

16. While Policy DC61 is out-of-date in the context of Footnote 7 and pre-dates the Framework, it is a general urban design policy which is consistent with the aims of the Framework in respect of achieving well-designed places. Therefore, the harm arising from conflict with this policy attracts substantial weight for the purposes of this appeal. There are no relevant policies in the Framework that provide a clear reason for refusing the development in light of paragraph 11d)i of the Framework, and so the 'tilted balance' test in 11d)ii must be applied in this case.
17. Considering the policies of the Framework as a whole, significant weight in favour of the appeal arises in relation to delivering a sufficient supply of homes in the context of substantial under-delivery, together with the likely economic benefits. Balanced against this, I have identified substantial, albeit localised, harm in respect of Framework policies for well-designed places. This harm would significantly outweigh the various benefits. The adverse impacts of granting permission would therefore significantly and demonstrably outweigh the benefits in the specific circumstances of this case.

Planning Balance and Conclusion

18. I conclude, having had regard to all matters raised, that the proposed development would conflict with the development plan and there are no material considerations of sufficient weight to indicate that the decision should be taken other than in accordance with the development plan. Therefore, the appeal should be dismissed.

Catherine Jack

INSPECTOR