The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2020

Appeal Ref: APP/B5480/W/20/3248863
68 Nelmes Way, Hornchurch RM11 2RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Rob Lee against the decision of the Council of the London Borough of Havering.
- The application Ref P1278.17, dated 19 July 2017, was refused by notice dated 4 November 2019.
- The development proposed is outline planning permission for demolition of the existing residential unit and erection of 3 new residential units.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was amended during the course of the planning application to reduce the number of proposed residential units from 4 to 3, which I have reflected in the description shown in the heading above. I have determined the appeal on this basis.

3. The application was submitted in outline form and approval was sought only for access, layout and scale. Matters of appearance and landscaping are reserved for subsequent consideration and I have determined the appeal on this basis.

4. The Council refers to the emerging Havering Local Plan 2016-31 (the LP). I attach limited weight to the LP as it has not been adopted and is therefore subject to change. Details of the level and significance of any unresolved objections have not been provided to me. The LP does not have the same statutory force accorded to adopted policies under s38(6) of the Planning and Compulsory Purchase Act 2004.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is located within the Emerson Park Policy Area (the EPPA). The Havering Local Development Framework Emerson Park Policy Area Supplementary Planning Document (adopted February 2009) (the EPSPD) sets out specific guidance to ensure that proposed development respects the character of the area. It divides the EPPA into 6 sectors based on the character

of each area. The appeal site lies within Sector 6, which consists of medium and large dwellings in spacious and well landscaped grounds.

7. The EPSPD states that infill development will be permitted provided it does not give a cramped appearance to the street scene and its massing and architectural style is in keeping with the surrounding properties. Redevelopment of a number of properties or backland development that results in increased density and reduced rear garden lengths which are considered harmful to the special character of Sector 6 would not normally be permitted. The EPSPD includes criteria that, amongst other things, new dwellings shall: be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties; provide a minimum plot width of 23 metres at both the road frontage and building line; and, any new building shall be a minimum of 1 metre from the boundary at ground floor, and 2 metres at first floor.

8. The appeal site consists of a large detached dwelling, which is positioned on a spacious plot with a large rear garden. The plot is wider than others in the immediate surroundings and it is generally more visually contained due to the mature vegetation on the site boundaries. The existing dwelling is sited within a linear arrangement of dwellings of varied architectural design that are set back from the road. There is a verdant character to the rear of the properties in the immediate vicinity due to the large size of the gardens, which includes trees and greenery. This makes a positive contribution to the character and appearance of the area.

9. The Council states that the plot widths of the proposal at the road frontage would be below 23 metres, which would be reduced further at the front building line of each dwelling. The appellant acknowledges that one of the front dwellings would have a plot width of 22.16 metres. I appreciate that the guidance in the EPSPD is a minimum standard, however I do not consider that the shortfall would be perceptible, particularly given the screening provided by the boundary vegetation. Furthermore, the location analysis plan provided by the appellant shows that the plot widths would be within the range seen in the vicinity of the site. The 2no front buildings would respect the building line and the scale of neighbouring properties. They would also provide sufficient gaps between them and neighbouring dwellings.

10. The proposed dwelling to the rear of the site would be served by an access road that would run between the 2 front dwellings. I acknowledge that the scale of the rear dwelling would be less than the other large properties in the surroundings, and that there is mature vegetation on the site boundaries which could be supplemented. However, it would nevertheless be a building of significant scale in a back garden setting. The location of the dwelling to the rear of the established built frontage, with associated access road and garage, would erode the open and green character which is important to the setting of the attractive suburban area.

11. Whilst there are a range of plot sizes in the wider area, the position of the rear dwelling would result in shallow plot depths for the front dwellings, which would be out of keeping with the spacious gardens of the row of properties on the western side of Nelmes Way/Elm Grove. Furthermore, the rear dwelling and access road would be visible in the street scene between the 2 front dwellings,

and its layout would appear at odds with the prevailing linear arrangement of detached dwellings.

12. I acknowledge that there are cul-de-sacs at The Witherings and Mendoza Close, however these are not comparable to the appeal scheme because they are larger scale developments with houses grouped around a road. By contrast, the rear dwelling would be an isolated property that would have little relationship with neighbouring buildings. Moreover, I have had regard to the appeal decision at 13 Burntwood Avenue[1]. Plans of that proposal are not before me. Nevertheless, whilst that site is within Sector 6 of the EPSPD, it is in a different road and the Inspector noted that the characteristics of that site are unlikely to be replicated elsewhere, and each appeal must be determined on its individual merits. I have determined the appeal scheme on its own merits having regard to the characteristics of the site and its surroundings.

13. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies 7.4 and 7.6 of the London Plan (2016) and Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document Adopted 2008, which, amongst other things, state that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

Other Matters

14. The 2019 Housing Delivery Test (HDT) results indicate that delivery of housing in the borough was substantially below the housing requirement over the last 3 years. The presumption in favour of sustainable development set out in paragraph 11(d) of the Framework is therefore engaged.

15. This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

16. In respect of the benefits of the proposal, paragraph 59 of the Framework refers to significantly boosting the supply of housing. The proposal would provide a net increase of 2 dwellings, which would contribute towards meeting the Council's housing shortfall. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly as indicated in paragraph 68 of the Framework. Furthermore, there would be economic advantages from the construction and occupation of the proposed dwellings. However, the benefits of the proposal would be limited by the small amount of development.

17. I have found that the proposed development would be harmful to the character and appearance of the area. This would conflict with the Framework, which seeks the creation of high quality places and developments that are sympathetic to local character, and I attach significant weight to this harm.

[1] Appeal ref. 2229395

18. Taking the above factors into account, I find that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

19. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR