
Appeal Decision

Site visit made on 10 August 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/B5480/W/19/3242836
65 Chase Cross Road, Romford RM5 3PL

- 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 O Jay Das against the decision of the Council of the London Borough of Havering.
 - The application Ref P0437.19, dated 18 March 2019, was refused by notice dated 14 November 2019.
 - The development proposed is described as a change of use of ground floor premises from commercial to residential and erect single storey rear extension, construct hip to gable roof extension and rear dormer to existing upper floor flat, alter elevations of building and carry out associated site works.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of existing and future occupiers.

Reasons

Character and Appearance

3. The appeal site is at the end of a terrace of three two storey, hipped roof buildings set back from and facing the road. They are in a street scene of very similar, mainly semi detached buildings which have off street parking to the front and relatively long, single rectangular gardens extending to the rear. The evidence suggests the ground floor was previously in use as a shop. There is a residential flat on the first floor. The appeal scheme seeks the change of use of the ground floor to residential to thus form two flats. A single storey flat roof extension to the rear, some elevational changes and a flat roofed dormer window to the rear roof slope are proposed. The latter would also include changing the existing roof from a hip to a gable end. Each flat would have a garden space created out of the remaining land at the rear of the building.
4. The single storey extension would project a substantial distance from the rear elevation. When considering its width all but matching that of the existing house and the use of a flat roof, it would appear as an overly large and unsympathetic design in the context of the compact and traditionally designed

host building. Whilst being set in from the outer limits of the roof, it would not be by very far. As a consequence, the proposed dormer window would span almost the entirety of the roof slope and whilst to the rear and reasonably screened from public views, it would still be a substantial addition, dominating the roof slope and resulting in a top heavy rear elevation. The use of large and mismatched window openings would emphasise the visual inappropriateness of the dormer. In the case of the hip to gable addition, it would take place in a street scene of and attached to other buildings that, save for some limited exceptions, have their original hipped roof shape largely intact. It would therefore appear discordant both on the host building and as part of the wider street scene.

5. The gardens to the flats would be made up of the space that would remain on the land to the rear of the building following the single storey extension. I shall go into more detail as to their acceptability for the purposes of enjoyment later but the creation of two distinct, tandem garden spaces would run contrary to the established grain of longer and uninterrupted rear garden spaces that make up the character of the area.
6. For these reasons, the appeal scheme would cause harm to the character and appearance of the area. Such that it would conflict with Policy DC61 of the Local Plan¹. This policy states, amongst other things, that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

Living Conditions

7. The single storey rear element of the proposed development would be sited close to the shared boundary with the adjoined dwelling which is the middle of the three. Whilst having something of a cut out shape close to the rear elevations; its length and continuous height would have a noticeable overbearing effect on occupiers of the adjoined neighbouring dwelling. Such an effect would unacceptably reduce the quality of the area of garden space immediately to the rear of the adjoined neighbour as well as garnering an oppressive, hemmed in feeling in rearward views from the closest set of ground floor windows to the shared boundary.
8. The outlook from the smaller of the two bedrooms in the new ground floor flat would be of the rear facing return wall of the new extension forming the kitchen/dining/living space. This wall would have a window in itself but would nonetheless represent a vertical plane in very close proximity to the bedroom window. This would be an unacceptably poor standard of outlook for the bedroom. The window would also include a door which would give access to what can only be described as a small pocket of space which would not really improve matters. The space would be very small and surrounded by a two storey wall, single storey walls and a tall fence. The experience of it would be claustrophobic to say the least.
9. The Council have also expressed substantive concerns over the amount of private garden space that would be afforded to each flat. I have not been made aware of any explicit minimum sizes for gardens set out by the development plan and I am mindful that the expectation for outdoor space

¹ London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document

would naturally be slightly less for a flatted development as opposed to a conventional dwelling. As I have explained, the plans show the rear garden space to the existing building as it would remain being split roughly in half. With one being allocated to each flat. Whilst small and consequently unacceptable in character and appearance terms as I have said, I would consider them sufficient for the purposes of a small single floor flat. They would allow for some sitting out and be set to the back of the building and offer some form of privacy.

10. Whilst I have found that the provision of garden space would be acceptable, this would be a lack of harm which, by definition, cannot be used to weigh against it. The harm the proposed development would cause to the living conditions of existing and future occupiers as I have described it above would therefore remain. The appeal scheme would therefore be contrary to Policies DC61 and DC3 of the Local Plan. Amongst other things, and through the use of appropriate design and layout, these policies seek to limit adverse impacts on the living conditions of existing and new properties.
11. I note the Council's reference of Policy CP2 of the Local Plan in their views on the living conditions impacts of the proposed development. On my reading however, and sufficiency of the aforementioned policies aside, CP2 is more geared towards ensuring sustainable communities through, amongst other things, an acceptable balance of tenure and house type to meet the broad variety of the borough's needs. I don't therefore consider it particularly relevant to this main issue.

Other Matters

12. I agree that the appeal site is in a location where occupiers could access essential services on which they would rely day to day via sustainable means. The proposed development would also provide adequate floor space and use acceptable materials in some areas. These would however equally be lacks of harm in each case and arguably would have to be so for the development to be acceptable. In any event, these were not contentious matters in the appeal.
13. The appeal scheme would provide a new residential unit and redevelop a previously developed site. Even if the Council were undersupplied with housing, which the evidence does not point me to, the contribution would be a single dwelling which would make a limited difference in the grand scheme. The re use of a previously developed site is positive but on its own insufficient to outweigh the totality of the harms I have found.
14. The Council have included the payment of monies in accordance with their adopted Community Infrastructure Levy (CIL) as a reason for refusal. The appellant has however set out their willingness to pay the relevant charges and indeed completed the relevant forms. I am not therefore required to consider this further. This is largely an academic point however given I have dismissed the appeal on other grounds.
15. The appellant has also drawn my attention to the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) which, in their view, the appeal scheme would comply with. The Council have not refused planning permission with reference to the document nor provided me with a copy. It is also not referred to in their delegated officer report. From the extracts of it I have seen in the appellant's documents, the SPD appears to

give further information and rough parameters on what might be deemed acceptable as operational development. I note the appellant's assessment alongside its provisions but would disagree with their conclusions for the reasons I have given in my consideration of the main issues. Furthermore, the SPD is intended as a guide only and does not preclude an assessment of the planning merits of a given scheme with regard to the development plan.

Conclusion

16. For the reasons I have set out above, and whilst having regard to other matters that have been raised, the appeal is dismissed.

John Morrison

INSPECTOR