
Appeal Decision

Site visit made on 8 September 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/B5480/W/20/3252004

14 Melksham Gardens, Romford RM3 8QS

- 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 B Gjergji against the decision of the Council of the London Borough of Havering.
 - The application Ref P1812.19, dated 2 December 2019, was refused by notice dated 22 April 2020.
 - The development proposed is new dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of its future occupiers having particular regard to the provision of internal space and external amenity space.

Reasons

Character and Appearance

3. The proposal relates to the construction of a two-storey, two bedroomed dwelling within the side garden area of no. 14 Melksham Gardens which is at the end of an existing terrace of similar three bedroomed two-storey dwellings. The side boundary of this garden is adjacent to Cambourne Way. The surrounding area is predominately residential with the majority of properties being of a similar design and style to no. 14. Some of the other properties in the area also appear to have two-storey side extensions.
4. Given its proximity to the edge of the public highway on Cambourne Way, I consider the appeal site to be in a prominent position on the street scene. The proposed dwelling would have the same roof ridge height as the existing two-storey terrace meaning that the terrace would effectively be extended sideward until it reached the edge of the public highway. Consequently, even though its design would be similar to other nearby dwellings, I consider that the proposal would be a discordant addition to the street scene in this location thereby having an adverse visual impact.

5. While I acknowledge that a similar proposal has been previously approved at no. 7/7A Cambourne Way which is in a similarly prominent location on the street scene. However, its design and appearance are subservient to that of its immediately adjacent/host property meaning that it has less of a visual impact than the proposal would. I also acknowledge that a similar two-storey extension was previously permitted at no. 11 Melksham Gardens. However, even though its design is not subservient to its host property, it is in a less prominent location on the street scene given the presence of the wider grassed and public parking areas separating it from the road. In any event I have determined the appeal scheme on its own merits.
6. I therefore conclude, on this main issue, that the proposal would materially harm the character and appearance of the area in conflict with Policy DC61 of the adopted Havering Core Strategy and Development Control Policies Development Plan Document 2008 (CS) as supported by the adopted Residential Design Supplementary Planning Document 2010 (SPD) and Policy 7.4 of the adopted London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016) (The London Plan) which aim to maintain, enhance or improve the character and appearance of an area, amongst other considerations. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which aims to ensure that the design of new proposals improve the character and quality of an area.

Living Conditions

7. The Nationally Described Space Standard (NDSS) requires that two bedroomed dwellings should provide a minimum of three bed spaces and have a minimum gross internal floor area of approximately 70 square metres. It is also a requirement that at least one of the bedrooms has a minimum floor area of 11.5 square metres for it to accommodate a double bed or twin beds.
8. Based on the evidence before me the proposed two-storey dwelling would provide two bedrooms and have a gross internal floor area of approximately 67.5 square metres. The proposed larger second bedroom would on its own have a gross floor area of approximately 8.5 square metres. As a result, it would not meet the requirement for the one of the bedrooms to be a double or twin room nor would it be capable of providing three bed spaces. Additionally, given its gross internal floor area the proposal would also not meet the overall requirement of 70 square metres. Consequently, I consider that it would not meet the prescribed minimum standards for a dwelling of its type.
9. With regard to the provision of external amenity space, the proposal would provide approximately 25 square metres of such space to the rear of the property, not including the proposed cycle storage area. The SPD requires that the design of proposed external amenity space should be of a high quality taking into consideration matters such as outlook, sunlight, trees, planting, materials, lighting and boundary treatments¹.
10. Given the proposed dwelling's orientation, height and location in relation to the proposed external amenity space i.e. to the south of it, I consider it likely that the dwelling would result an unacceptable loss of light to the amenity space. Furthermore, given the scale of the proposed dwelling and its massing in

¹ See section 10.1

relation to the proposed amenity space, I consider it likely that it would also create an unacceptable sense of enclosure for the future users of this space.

11. Moreover, given the size of the proposed dwelling and the number of bedrooms it would provide I also consider the proposed amenity space to be insufficient to meet the needs of its future occupiers. Indeed, from what I observed on my site visit it would also appear to be smaller than the rear amenity spaces/gardens of similar properties nearby.
12. In addition, while I acknowledge that a similar proposal was granted permission at no. 7/7A Cambourne Way, based on the evidence before me that scheme appears to be different to the proposal, which I have determined on its own merits, in that it seems to have had a greater width and also have met the minimum NDSS.
13. I therefore conclude, on this main issue, that the proposed development would cause material harm to the living conditions of its future occupiers having particular regard to the provision of internal space and external amenity space. Accordingly, it would conflict with Policy DC61 of the CS, the SPD, and Policy 3.5 of the London Plan which aim to protect and enhance the residential environment, amongst other considerations. It would also conflict with paragraph 127 f) of the Framework which aims to create places with a high standard of amenity for existing and future users.

Other considerations

14. The proposed development would provide an additional house and a social benefit. There would also be some economic investment from both its construction and subsequent occupation. These benefits are tempered by the small scale of the proposed development, but nevertheless, carry modest weight in favour of the appeal scheme.

Planning Balance

15. Based on the evidence before me the Council has not delivered enough housing in the area to meet the requirements of the Housing Delivery Test. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing one additional dwelling to assist the Council in addressing its undersupply as set out in Paragraph 11 of the Framework.
16. In relation to the adverse impacts of the proposal, these are harm to the character and appearance of the area and to the living conditions of future occupiers in conflict with Policies DC61 of the CS and Policies 7.4 and 3.5 of the London Plan. It would also conflict with paragraphs 127 and 130 of the Framework.
17. With regards to the potential benefits of the proposal, it would potentially provide one dwelling and modest social and economic benefits. However, given the conflict with the development plan and those policies of the Framework identified above, I find that the proposal consequently cannot be considered sustainable development in accordance with paragraph 11 of the Framework.
18. Therefore, within the context of paragraph 11 of the Framework, given the substantial harm I have identified, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh

the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Other Matters

19. I acknowledge the Appellant's point that the proposed dwelling would potentially provide an opportunity for a first-time buyer to purchase a new home. However, this is not of sufficient weight to outweigh the harm I have identified above.

Conclusion

20. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. Therefore, for the reasons set out above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR