



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: 15 October 2020

Appeal Ref: APP/B5480/W/20/3252089

39 Clydesdale Road, Hornchurch RM11 1AG

- 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 Chris Davis against the decision of the Council of the London Borough of Havering.
 - The application Ref P1860.19, dated 9 December 2019, was refused by notice dated 15 April 2020.
 - The development proposed is described on the application form as 'the Proposed development comprises of a first floor rear extension for the formation of a 1 bedroom flat in an existing HMO. It should be noted that the development exceeds the minimum space standards for dwellings of this type and the layout lends itself to providing a high quality living environment with lots of natural light and contemporary layout. Consideration has been given to avoid extending over the entirety of the existing ground floor footprint to reduce any perceived visual harm – similarly the proposed fenestration is intended to mirror that of the host building to maintain consistency. Layout improvements are proposed for the existing first floor flats with the removal of the internal wall separating the cramped kitchen from the living area and providing a larger, spacious, purpose built kitchen in an open plan format. Whilst the rear aspect window will be lost in the existing floor flats, this is considered negligible with it being a non-habitable room, however, sun tunnels have been proposed to maintain a level of natural light. There is considered to be ample amenity to the rear of the property by way of a garden laid to lawn which can be accessed and shared by all occupiers.' (sic)
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the existing first floor flats to the front of the appeal property having particular regard to matters of outlook.

Reasons

3. The proposal would extend the first floor of the appeal property to the rear in order to create a new one bedroomed flat. It is also proposed to create two new larger kitchen/dining/living open plan areas within the existing first floor flats. In doing so the proposal would remove the existing first floor rear windows serving the kitchens of these flats. Consequently, the only windows serving these new open plan areas would be two windows located on the front elevation of the property.

4. As a result, given the size of the open plan areas and the location of the front windows at the other end of the room, I consider that they would not provide the kitchen portion of the open plan areas with a reasonable outlook as required by development plan Policy DC4 and the adopted Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD). This in combination with the fact that these habitable areas would not have any rear windows means that the proposal would cause a significant loss of outlook thereby having a substantial adverse impact in this regard.
5. I acknowledge the appellant's points that the proposal would increase the size of the kitchen areas in the existing flats by removing the hallways and making it a more open plan layout so that the minimum space standard requirements would be exceeded. However, this is not of sufficient weight to outweigh or overcome the harm I have identified.
6. Accordingly, I conclude that the proposal would materially harm the living conditions of the occupiers of the existing first floor flats to the front of the appeal property in conflict with Policies DC4 and DC61 of the adopted Havering Core Strategy and Development Control Policies Development Plan Document 2008 (CS) 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

7. The proposed development would provide an additional dwelling 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

8. 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 under delivery as set out in Paragraph 11 of the Framework.
9. In relation to the adverse impact of the proposal, this is harm to living conditions in conflict with Policies DC4 and DC61 of the CS. It would also conflict with paragraph 127 of the Framework.
10. 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.
11. 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

12. I acknowledge that no objections have been received from neighbours or other interested parties. However, this is not of sufficient weight to outweigh the harm to living conditions I have identified above.
13. I also acknowledge the Appellant's point that the proposal would potentially provide a dwelling at a more affordable rent. However, no substantive evidence has been submitted to demonstrate that this would be the case. In any event this would not outweigh or alter my findings on the main issue above.

Conclusion

14. 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