



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: 21 October 2020

Appeal Ref: APP/B5480/W/20/3252863

3 Suttons Lane (Land at rear of), Hornchurch, Essex RM12 6RD

- 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 E Omer against the decision of the Council of the London Borough of Havering.
 - The application Ref P1064.19, dated 2 July 2019, was refused by notice dated 5 May 2020.
 - The development proposed is new building comprising of 2 x 1 bed 2 storey flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have described the development as 'the erection of a new two storey building for use as two 1-bed dwellings'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
3. In their evidence the Council have stated that at the time of the determination of the original planning application they only received one revised plan (Ref SLH-01A) which superseded the original (Ref SLH-01) with no revision to the other original plan (Ref SLH-02). However, in their evidence, the appellant has stated that they did submit a revised plan (SLH-02A) at the same time they submitted the other revised plan (SLH-01A) showing an apparent email record of this. It is therefore clear that there was some confusion and ambiguity as to the status of these various plans when the original application was determined. In any event, I consider that the amendments shown by the revised plans (Ref SLH-01A & SLH-02A) do not amount to considerable changes to the original planning application as submitted to the Council. Consequently, and being mindful of the 'Wheatcroft Principles' referred to in paragraph 2.2 to annexe M of the Planning Appeals Procedural Guidance, I have determined the appeal on the basis of these revised plans in the interest of clarity and for the avoidance of doubt.
4. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to perceived inconsistent advice and unnecessary delay in the determining of the application. However, this is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.
5. In their evidence and on the decision notice the Council have referred to the policies of the emerging draft London Plan. However, this plan has not yet been

published and as a result I have also afforded these emerging draft policies limited weight.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on the living conditions of future occupiers having particular regard to the provision of internal space; and
- the effect of the proposed development on the living conditions of existing occupiers having particular regard to the provision of useable external amenity space.

Reasons

Character and Appearance

7. The appeal site is situated to the rear of a two-storey building with residential accommodation on the first floor and a commercial unit on the ground floor. There is also an existing ground floor rear extension to the property. Beyond this there is what appears to be a relatively long rear garden with a detached single storey shed being located within it not far from the rear extension. The shared side boundary with no. 1 Suttons Lane comprises a red-brick wall of approximately 2 metres in height, however at the time of my visit there did not appear to be a visible shared boundary with no. 5 Suttons Lane. The rear boundary of the appeal site is a closed boarded timber fence approximately 1.5 metres in height.
8. No. 3 Suttons Lane belongs to a small row of similar semi-detached properties with ground floor commercial premises fronting onto the road. There is also another row of similar properties on the other side of Standen Avenue. The rest of the surrounding area is predominately residential mainly consisting of semi-detached two-storey dwellings with driveways or small gardens to the front and long gardens to the rear. These dwellings, their plots and gardens together form part of an orderly and regular pattern of development which contribute positively to the character and appearance of the area and its largely suburban setting.
9. The proposal relates to the demolition of the existing detached outbuilding and its replacement with two one bedroomed semi-detached two-storey dwellings. These would be orientated perpendicular to the existing building meaning that their front and rear elevations would face the sides of the appeal site with their side elevations would face the rear of the existing building and also the rear site boundary. It is also proposed to erect a new closed boarded timber fence approximately 1.8 metres high at the site's rear boundary.
10. The proposal in combination with the existing building at no. 3 Suttons Lane would mean that the majority of the plot would be built upon. As a result, I consider that the proposal would be a cramped form of development at odds with the established and prevailing pattern of development in the area thereby having a significant adverse visual impact. I acknowledge that given its location, the proposal would not be visible from many public vantage points. However, it would still be visible from nearby residential properties.
11. I therefore conclude, on this main issue, that the proposed development would materially harm the character and appearance of the area in conflict with Policies CP17 and DC61 of the adopted Havering Core Strategy and Development Control

Policies Development Plan Document 2008 (CS) and Policies 7.4 and 7.6 of the adopted London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 (2016) (The London Plan) which aim to ensure that new development maintains, enhances or improves 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 – internal space

12. The Technical Housing Standards – Nationally Described Space Standard 2015 (NDSS) states that the minimum required floor area for a one bedroomed two storey dwelling is 58 square metres with an additional 1.5 square metres of built-in storage. According to the submitted plans each of the proposed dwellings would have a gross internal floor area of approximately 50 square metres including built-in storage. Consequently, the proposal would fail to meet the required standard for the provision of adequate gross internal floor area as set by the NDSS.
13. I therefore conclude, on this main issue, that the proposed development would materially harm the living conditions of future occupiers having particular regard to the provision of internal space in conflict with Policies CP17, DC3 and DC61 of the CS, as supported by the adopted Residential Design Supplementary Planning Document 2010 (SPD), and with 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.

Living Conditions – amenity space

14. The proposal would provide two areas of external amenity space, one for each of the proposed dwellings. According to the submitted plans these areas would respectively measure approximately 18 and 27 square metres and would be accessible on foot via a narrow walkway to the front of these properties. As a result, these areas would appear to be of a sufficient size to meet the needs of future occupiers. However, the submitted plans do not show that any external amenity space would be provided or left over within the back garden for the existing occupiers of no. 3 Suttons Lane.
15. Consequently, I find that the proposal would cause the loss of external amenity space currently used by the existing occupiers of no. 3. I acknowledge that the rear space/garden/yard is overgrown and appears to be currently unused by these occupiers, as I observed on my site visit. However, this represents but a snapshot in time and the situation could change in the future. I also acknowledge that the appellant has stated that these occupiers have no right of access to the rear space/garden/yard area as set out in their leasehold agreements. However, no substantive evidence has been submitted to support this. Accordingly, I consider that there is the potential for the occupiers of no. 3 to use the existing rear space/garden/yard at the rear of the property nonetheless which the proposal would prevent.
16. I therefore conclude, on this main issue, that the proposed development would materially harm the living conditions of existing occupiers having particular regard to the provision of useable external amenity space in conflict with Policies CP17, DC3 and DC61 of the CS 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

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

Planning Balance

18. 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 two additional dwellings to assist the Council in addressing its under delivery as set out in Paragraph 11 of the Framework.
19. In relation to the adverse impacts of the proposal, these are material harm to the character and appearance of the area and to the living conditions of future occupiers and neighbouring occupiers in conflict with Policies CP17, DC3 and DC61 of the CS and Policies 3.5, 7.4 and 7.6 of the London Plan. It would also conflict with paragraphs 127 and 130 of the Framework.
20. With regards to the possible benefits of the proposal, it would potentially provide two dwellings 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.
21. 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 Matter

22. I acknowledge the Appellant's point that the appeal site is previously developed land and would potentially provide homes to first-time buyers. However, this is not of sufficient weight to outweigh the harm I have identified above.

Conclusion

23. 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