
Appeal Decision

Site visit made on 11 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 November 2020.

Appeal Ref: APP/B5480/W/20/3249539

46-48 Lake Avenue, Rainham RM13 9SH

- 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 Sanjeev Dhir against the decision of the Council of the London Borough of Havering.
 - The application Ref P1073.19, dated 9 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed is the demolition of the existing house and erection of 6 semi-detached houses with alterations to existing access from Lake Avenue.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposals on the character and appearance of the area, with particular reference to: Proposed plots 3-6, and the proposed design, fenestration and materials to all dwellings;
 - The effect of the proposals on the living conditions of neighbouring occupiers in respect of noise, and
 - The effect of the proposals on the living conditions of neighbouring occupiers in respect of privacy and overlooking.

Reasons

Character and Appearance: proposed plots 3-6

3. Lake Avenue is a wide and quiet residential road of generally bungalows and dormer bungalows, interspersed by a number of two storey houses. The street benefits from a number of street trees and verges along much of its length. There is a mixed palette of materials in use, with a variety of semi-detached and detached dwellings within the immediate vicinity of the appeal site.
4. All properties are set behind front gardens and most have off-road car parking and garaging, together with rear gardens, which vary significantly in size. However, the built development within area is generally of a lower density. There are grass verges and street trees along much of Lake Avenue. Overall, the prevailing character is strongly suburban, leafy and open.

5. The appeal site comprises garden land to the rear of 46 and 48 Rainham Avenue, albeit one dwelling has already been demolished and at the site visit, part of the appeal site was fenced off with hoarding.
6. Policy DC61 (Urban Design) of the London Borough of Havering Core Strategy Development Control Policies Development Plan Document (2008) (CS) is made up of many elements, but generally seeks development that enhances or improves the character and appearance of the local area.
7. The appeal proposals would include development of four, 2 storey dwellings to the rear of the site, which would substantially change the pattern of development in this part of Lake Avenue. The dwellings would be visible from both Lake Avenue and neighbouring Lakeside, which 'wraps' around the rear of the appeal site with a number of single storey bungalows backing on to the boundary of the appeal site.
8. Having regard to the surrounding pattern and nature of development, the proposals would result in a discordant scheme of housing which would be at odds with their surroundings, increasing the density substantially thereby harming the character and feel of the area.
9. I note that the appellants have sought to scale-down their proposals from a scheme of 8 dwellings. However, I consider that the current appeal proposals would still have a harmful impact on character of the street, contrary to Policy DC61 of the CS where it seeks development that respects the local building form and complements or improves the amenity and character of the area.

Character and Appearance: the proposed design, fenestration and materials to all dwellings

10. The appeal proposals would be elevated with a mixture of render and brick, together with timber detailing. There would be front gable projections and for plots 5 and 6 a double height window feature.
11. I note that within the wider area, there are a number of properties with timber detailing, as well as similar features to those proposed within the scheme. The window detailing would be less aligned to the established character, but I do not consider that this alone would warrant a dismissal.
12. In my view, the appellant has carefully considered the predominant materials within the area, and I do not consider the proposed design and materials would necessarily be harmful as a direct result of the use of the proposed materials.
13. I therefore do not consider this aspect alone offends policy DC61 of the CS where it seeks development that complements the character of the area through its appearance and materials used.

The effect on living conditions: noise

14. The appeal proposals include the creation of an access road into the site, running alongside the boundary with No.50 Lake Avenue, which is set very close to the boundary with the appeal site, being only separated by a pedestrian side gate and hedgerow.
15. The introduction of new dwellings on land to the rear of the appeal site, together with attendant vehicular movements would, in my view, create some additional noise.

16. The appellant is proposing a range of measures to mitigate for any harm arising from this, including acoustic fencing, a 'rumble' strip and speed ramps designed for a 5mph road.
17. In light of the scale of development and likely vehicular movements, I do not consider the harm to the living conditions of the occupiers of No.50 would be sufficiently severe. As a result, I therefore do not consider the proposals would be contrary to policy DC61 where it states that planning permission will not be granted where it results in unreasonable adverse effects on the environment by reason of noise impact between and within developments.

The effect on living conditions: privacy and overlooking

18. The appellant, at paragraph 5.9 of their statement concede that the gardens of each of the dwellings would be less than 15m in length. I note that Policy DC61 does not require a minimum garden distance to be achieved and that density, separation and layout design are dealt with more generally by the policy.
19. The appellant provides evidence of garden (and separation) distances for various properties in the vicinity of the appeal site. However, the appellant does not make clear where these are in relation to the appeal site, nor provides a scale plan for such measurements. Further, the appellant provides details from application Ref P0923.16 (a site referred to as Rainham Wall Engineering), but the character and context for this site is not before me, and I am therefore unable to determine whether it is genuinely comparable with these proposals. To that end, I have determined this appeal on its own merits.
20. I consider in light of the established gardens within the vicinity of the site, and in particular along Lake Avenue, the gardens associated with the proposed new dwellings would be significantly smaller, thereby introducing new built form within close proximity to the properties along Lakeside, which share a rear boundary with the appeal site (in particular No.'s 72-80 and 86-100).
21. I therefore consider there would be harm arising from an increase in overlooking and a reduction in privacy for those occupiers, contrary to policy DC61 of the CS where it states that planning permission will not be granted where it results in unacceptable overlooking or loss of privacy to existing and new properties.

Other Matters

22. I have considered the appellants other points concerning the appeal site being unconstrained in heritage terms, and this is a matter I consider neutral in the planning balance.
23. I have also considered the appellants case that the proposed development would provide additional housing choice for the Borough, together with the other attendant positive benefits of a development of this scale in economic and social terms.
24. However, and in light of the scale of the development proposed, I do not these matters outweigh the concerns I have already set out.

Conclusions

25. For the reasons given and having regard to all other matters raised, I conclude the appeal is dismissed.

Sian Griffiths

INSPECTOR