
Appeal Decision

Site visit made on 17 November 2020 by Emma Worby BSc (Hons) MSc

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/B5480/W/20/3256323

39 Hawthorn Avenue, Rainham RM13 9AT

- 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 Andy Sambridge against the decision of the Council of the London Borough of Havering.
 - The application Ref P1544.19, dated 10 October 2019, was refused by notice dated 27 May 2020.
 - The development proposed is a new dwelling to a plot of land between No. 38 & 39 Hawthorn Avenue.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. Although the appellant has referred to the proposed dwelling as having three bedrooms, the submitted plans, which were considered by the Council when determining the application, indicate that the proposed dwelling would be served by two bedrooms. As such, the appeal has been considered on this basis.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

5. The appeal site is a triangular shaped area of land between 39 and 38 Hawthorn Avenue with the front of the site used for car parking and the rear of the site unused and overgrown. The surrounding area is residential in nature and largely made up of two-storey terraced or semi-detached dwellings which are traditional in appearance. The appeal site is located at the end of Hawthorn Avenue where there are two pairs of semi-detached dwellings and where the rear gardens are slightly larger than the remainder of the road.

6. The proposed single storey dwelling would be positioned in between, and to the rear of, No.39 and No.38 and is modest in size and height when compared to surrounding dwellings. However it would still be visible within the streetscene through the large gap between the two properties to be used for its vehicular access. It would therefore have some impact upon the character and appearance of the surrounding area.
7. The existing dwellings around the end of Hawthorn Avenue all front the road and their positioning provides a well-defined layout which is more spacious than other dwellings in area. The proposed dwelling would have no significant road frontage and would be compacted into a relatively small space which would appear at odds with this existing layout. Its back-land location would therefore disrupt the well-established and strong pattern of development in the area to the detriment of its character and appearance. Also, the single storey detached nature of the proposal, in relation to the two-storey semi-detached or terraced nature of the surrounding properties on the same road, would result in an incongruous addition to the area.
8. A row of terrace dwellings, also located on Hawthorn Avenue, have been brought to my attention as anomalies to the typical pattern of development. These are perpendicular to other properties on this road, however they follow a similar form to other terraces in the area and are traditional in design. Therefore, although they do not match the usual pattern of development in the area, they differ from the proposed dwelling and are not directly comparable. A back-land development at 35 Findon Gardens and an end of terrace dwelling at 8 Pinewood Avenue have also been highlighted. The pattern of development at the end of Findon Gardens is much less rigid, with a number of detached properties and a more varied layout, and therefore it is not similar to the appeal site. The side elevation of 8 Pinewood Avenue faces Hawthorn Avenue and is closer to the road than the prevailing building line, however its two-storey terraced nature is in keeping with the surrounding dwellings, unlike the proposal before me.
9. Subsequently, the proposed development would have a harmful impact on the character and appearance of the area and would be contrary to Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) which states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area, and specifically that development should respond to the local pattern of development.
10. The appellant has stated that the proposal would meet the requirements of Policy 10 of the emerging Local Plan which relates to garden and backland development. Although the proposal may comply with this emerging policy this carries only moderate weight as the policy has yet to be adopted. As such, this does not outweigh the proposal's conflict with the adopted development plan policy outlined above.

Other Matters

11. The Council have highlighted that the Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous three years and therefore paragraph 11(d) of the National Planning Policy Framework (the 'Framework') applies. As the site is not within an area, or would affect an asset, of particular importance, paragraph 11(d)(i) is not

relevant to the appeal before me. However, the test in paragraph 11(d)(ii) should be applied. This requires an assessment of the proposal against the policies in the Framework taken as a whole.

12. The Framework expects development to be visually attractive as a result of good layout whilst maintaining a strong sense of place using the arrangement of streets to create attractive, welcoming and distinctive places to live. Therefore, even taking into account the Council's failure to deliver sufficient housing, the conflict between the proposal and Policy DC61 should be given significant weight in this appeal.
13. Set against the harm identified there would be limited benefits associated with the proposal, including the more effective use of the site and the likelihood of this small site being developed quickly. Also, an additional unit would make little difference to the overall delivery of housing. Consequently the adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result the presumption in favour of sustainable development does not apply.

Conclusions and Recommendation

14. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework which outweigh this. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR