



Appeal Decision

Site visit made on 3 December 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021.

Appeal Ref: APP/B5480/W/20/3249879

12 Hog Hill Road, Collier Row RM5 2DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Wentworth Developments Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P1871.19, is dated 10 December 2019.
 - The development proposed is a new block of 9 No one and two bedroom flats with associated landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the Council has issued a decision notice, this was not until after the appeal was received. Accordingly, I have proceeded on the basis that the appeal is against the failure of the Council to determine the planning application within the prescribed period. Nevertheless, the Council's notice and associated report make its views on the proposal clear.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupants of the development with regard to the provision and layout of outdoor amenity space, the location of the cycle/refuse store and main parking area, and outlook; and
 - the living conditions of the occupants of neighbouring properties in respect of privacy.

Reasons

Character and appearance

4. The appeal site relates to a vacant plot of land on Hog Hill Road near the junction with Collier Row Road and Lodge Lane. A commercial premises lies to the rear with residential properties to either side of the site, which have a fairly regimented building line. Properties in the area are a mixture of sizes and designs, with differences in materials, windows and other detailing.

5. To the east side the substantial projection forward from the building line would severely disrupt the pattern of built form on Hog Hill Road and would serve to make the structure particularly prominent. This prominence would result in a dominant form of development that would be at odds with the more modest proportions of the existing residential buildings in the streetscene. Introducing a projection with this footprint, position and height would therefore result in an incongruous feature in the context of the neighbourhood.
6. The depth of the building to the opposite flank (facing the bungalows) would be of a scale that reflects these dwellings and would be in keeping with their overall proportions. However, this would not compensate for the mass and bulk of the scheme at the eastern end. I also recognise that landscaping could soften the building to a degree. However, given the mass, height and bulk of a section of the development in close proximity to the road frontage, the screening would need to be of a height and density that of itself would look unusual or out of place in the street scene.
7. In other design respects, the height of the building would be staggered, rising from single storey with roof accommodation to two-storey with roof accommodation. The principle of this arrangement of built form would reflect the bungalows and houses to either side, and to my mind would be sympathetic to the overall mass and height of the existing properties. The frontage would contain a number of articulating features, including balconies, parapet walls and gable features. The fenestration would appear balanced and well-proportioned and varying materials would break up the facade.
8. I conclude that the development would result in harm to the character and appearance of the area. This would be contrary to policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (DPD), and policies 7.4 and 7.6 of the London Plan March 2016 (LP) that seek to ensure development responds to distinctive local building forms and patterns of development and respects the scale, massing and height of the surrounding physical context. The proposal is also inconsistent with the advice in the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development.

Living conditions of future occupants

9. The appeal site relates to a vacant plot of land on Hog Hill Road near the junction with Collier Row Road and Lodge Lane. There is a commercial property to the rear and residential properties to either side of the site. Buildings in the area are a mixture of sizes and designs, with differences in materials, windows and other detailing.
10. The proposal for 9 flats includes associated landscaping and parking. The external patio areas to a number of the ground floor units would immediately abut parking spaces. Units 4 and 6 would have neither access to a private patio nor balcony area. I note that a number of the balconies to the upper floor flats do not meet the minimum size required by the London Borough of Havering Residential Design Supplementary Planning Document 2010 (SPD).
11. I consider that cumulatively these matters would result in an unacceptable standard of living for future occupants of the development. The proximity of patio areas to parked cars would result in an oppressive environment for the occupants of these flats. Units 4 and 6 are removed from the communal

amenity space at the rear, which exacerbates the lack of any private patio or balcony. As the balcony size requirements are intended to act as a benchmark for high design quality, in my view any shortfall is unlikely to be appropriate and such provision therefore conflicts with the standards in principle.

12. The location of the combined cycle and refuse building is isolated from the main building, in an inconvenient position at the rear that would require a long and circuitous route to reach, particularly for residents of the upper floor flats. To my mind this further demonstrates that the appeal proposal would not represent an integrated and useable scheme, which would be detrimental to the living conditions of future occupants of the development.
13. The siting of the larger car parking area at the rear, albeit not ideal, is within the bounds of acceptability bearing in mind the need to make efficient use of land and that no objections are raised by the Highway Authority. I also agree with the Council that a condition could be imposed requiring the access be kept free and clear of vehicles, so as to allow residents and visitors safe and unobstructed access to and from the area. As such, I do not consider that the relationship between the building and the rear car park would be so harmful as to warrant dismissal of the appeal on this ground.
14. The Council is concerned that the outlook from the bedrooms on the east side of the building would be restricted. The rooms would be provided with dual-aspect outlook, one opening facing towards 10 Hog Hill Lane and another larger, three-quarter-length window looking out either to the north over the rear amenity area or south over the public highway. Bearing in mind they serve rooms primarily intended for sleeping, I deem that these windows would be adequate to serve the rooms with regard to outlook.
15. Consequently, although I find that the appeal proposal would be satisfactory in respect of the location of the parking spaces and outlook, the scheme would be harmful to the living conditions of future occupants of the development with regard to the provision and layout of outdoor amenity space and the location of the cycle and refuse store. This would materially conflict with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (DPD), policy 3.5 of the London Plan March 2016 (LP) and the SPD, which together require proposals to be durable, flexible and adaptable to meet the needs of people. It would also be contrary with the Framework which seeks to ensure safe and healthy living conditions.

Living conditions of neighbouring properties

16. The Council is concerned that west-facing bedroom window to flat 9 at second floor level would overlook the private amenity area of 16 Hog Hill Lane, resulting in a loss of privacy. However, I consider that any such overlooking would be minimal. This is due to the separation distance involved and that the ridgeline of the intervening 1/2 storey element containing the living and kitchen accommodation of flats 1, 2 and 5 would impede such views for the most part.
17. I conclude on this issue that the proposal would not have an adverse effect on the living conditions of the occupants of neighbouring dwellings with regard to privacy. There would be no conflict with policy DC61 of the DPD or the SPD which seek to ensure that development does not result in an adverse impact upon the amenity of surrounding occupiers.

Other Matters

18. I acknowledge that, amongst other things, the internal size and layout of the units would be acceptable and the car park would have a gated access to avoid any security concerns. However, such matters do not outweigh the harm I have identified previously.
19. I have had regard to other issues raised including concerns from local residents relating to loss of light, noise and disturbance, highway safety and external lighting. However, no substantial evidence has been presented to support such views and that the proposed development would result in harm on these grounds.

Conclusion

20. The proposal would be deleterious to the character and appearance of the area and fail to address the the living conditions of future occupants of the development with regard to the provision and layout of outdoor amenity space and the location of the cycle and refuse storage. Accordingly, the appeal is dismissed.

C Hall

INSPECTOR