



Appeal Decision

Site visit made on 14 December 2020

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021.

Appeal Ref: APP/B5480/W/20/3254831

131 Southend Arterial Road, Hornchurch, RM11 2SE

- 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 J Bath against the decision of the Council of the London Borough of Havering.
 - The application Ref P1719.19, dated 11 November 2019, was refused by notice dated 2 March 2020.
 - The development proposed is a detached dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the Council's decision notice sets out two identical reasons for refusal. It appears to be an administrative error and does not materially affect the determination of this appeal or prejudice the interests of any party.

Main Issues

3. The main issues are the effect of the proposed development on (a) the character and appearance of the area and (b) the living conditions of the occupiers of No.133 Southend Arterial Road.

Reasons

Character and appearance

4. No 131 Southend Arterial Road (the host property) is a substantial detached property of traditional inter-war design that fronts onto a short service road immediately adjacent to the Southend Arterial Road. An existing single storey double garage to the side of the main building would be demolished to allow provision of a new dwelling on part of the plot at the eastern end.
5. The host property is at the end of a short row of substantial detached properties of similar style, scale and age. The frontage of the proposed new dwelling would be on the same building line as the row of properties to the west, but would be on a markedly smaller plot. It would therefore result in a cramped form of development that was incongruously narrower than the other properties along that frontage, in particular, the buildings on either side.

6. Furthermore, the provision of a 2-storey detached dwelling with full pitched roof across almost the full width of the proposed plot would result in a massing of development that was markedly more dominant and intrusive than the existing garage block. It would thus eliminate what is currently a valuable transition of a single storey development between the 2-storey main building of No.131 and the neighbouring property at No.133. This property extends close to the common boundary with No.131, but its main frontage sits well back from the building line of the other properties on that row.
7. My attention has been drawn to a range of properties nearby, some of which have been substantially extended and also to the extended width of the plot available at No. 131. While these factors weigh in favour of the proposal, they are not sufficient to outweigh the concerns I have identified about the proposed development and its impact on the wider street scene, including the relationship between the row of properties ending in No.131 and No.133.
8. In short, the proposed development would be both of a discordant scale, and poorly related, to the surrounding buildings. Consequently, I find that the development would harm the character and appearance of the area and conflict with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) which, amongst other things, requires that development maintains, enhances or improves the character and appearance of the local area.

Living Conditions

9. The neighbouring property to the east (No.133) is set further back from the road frontage compared to No.131 and the main 2 storey building extends to within about 1 metre of the common boundary with No. 131. On my site visit I noted a number of windows on the front elevation of No.133 close to the common site boundary.
10. Given the location of No.133, the erection of a new two storey dwelling of substantial depth within the grounds of No.131, close to the common boundary, would have a detrimental and overbearing impact on the outlook from those windows in No.133 on the front elevation of the property nearest the boundary, particularly at ground floor level. It would also be likely to result in an overshadowing of those rooms towards the end of the day that may materially harm light conditions and the enjoyment of those living spaces.
11. I find that the proposed development would result in harm to the living conditions for occupiers of No.133 in terms of their outlook, and potentially in terms of light conditions and overshadowing. Consequently, the development would conflict with Policy DC 61 which amongst other things requires refusal of developments that would have unacceptable impacts on existing properties.

Other matters

12. The Council have confirmed that there has been a substantial shortfall in the level of housing delivery compared to the housing requirement over the previous three years as indicated by the Housing Delivery Test. Thus, given the nature of the proposal, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged.
13. 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 determination of this

appeal. However, paragraph 11 (d)(ii) should be applied, and this requires an assessment of the proposal against the policies in the Framework taken as a whole.

14. The Framework seeks to ensure that developments add to the overall quality of the area and achieve a high standard of amenity for existing and future users. 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.
15. Set against the harm identified, there would be limited benefits associated with the proposal, including the more effective use of the site. Also, the provision of one additional dwelling would make little difference to the overall delivery of housing. In short, I find that the adverse impact on the character and appearance of the area and on the living conditions of the occupiers of No.133 would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. The proposed development would conflict with the policies of the development plan and there are no considerations, including the provisions of the Framework which outweigh this. Consequently, for the reasons I have set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Anthony Thompson

INSPECTOR