



Appeal Decision

Site visit made on 14 January 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16/02/2021

Appeal Ref: APP/B5480/W/20/3256957

54 Herbert Road, Hornchurch, RM11 3LJ

- 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 S Shoaib, Spaces Architecture, against the decision of the Council of the London Borough of Havering.
 - The application Ref P0562.20, dated 24 April 2020, was refused by notice dated 30 June 2020.
 - The development proposed is demolition of existing bungalow and erection of new detached house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the appellant has stated that they are willing to withdraw the garage from the proposal, I am not in receipt of any plans detailing this amendment and accordingly I shall determine the appeal on the basis of the drawings submitted to and determined by the Council.
3. Whilst the Council has attached a refusal reason relating to the Mayor of London and Havering Community Infrastructure Levy, this would appear to be for information purposes only. There is therefore, no need for me to address this issue.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular reference to outlook; and
 - The effect of the proposal on users of the highway.

Reasons

Character and appearance

5. The appeal site formerly comprised a single storey detached dwelling. The dwelling has been demolished and at the time of my site visit the site was secured by hoarding.
6. The site is located within a predominantly residential area which is dominated by mainly detached dwellings, located within generally spacious, well landscaped grounds. The area is mixed in character and appearance in terms of the style and architectural design of the dwellings, comprising of modern, contemporary and more classical style properties.
7. The proposed dwelling would be two storey in height, with additional rooms within its roof space. The dwelling would be set back from Herbert Road by a similar distance to that of the adjoining dwellings and would be appropriate in this respect. The proposed dwelling would extend across much of the width of the plot, being within approximately 1 metre of the side boundary with 52 Herbert Road and a distance which tapers to a minimum of 1.4m from the boundary with 54a Herbert Road.
8. The Emerson Park Policy Area Supplementary Planning Document (2009) (SPD) provides detailed guidance for new development within Emerson Park, with the appeal site falling within Sector 6. Among other things, the SPD sets out criteria regarding spatial separation distances for development which within Sector 6, states that no part of any new building will be permitted to be built within a minimum of 1 metre from an adjoining common party boundary at ground floor or 2 metres at first floor. It is also emphasised that these are minimum requirements. The proposal would fail to comply with the SPD in this respect which, whilst not forming part of the development plan, does provide useful guidance aimed at protecting the spacious character and appearance of the area.
9. I acknowledge that the dwelling that previously existed on the site was sited a similar distance from the side boundary with No 52, however this was a single storey dwelling. In contrast, the proposed dwelling would extend close to the side boundaries at two storey level and this, combined with its size, scale, bulk and mass would detract from the spacious character and appearance of the street scene. The proposal would fail to comply with the SPD in this regard.
10. The considerable bulk and mass of the proposed new dwelling would be apparent in the street scene particularly as the adjacent dwelling, 52 Herbert Road is single storey in appearance. A crown roof would extend over a significant proportion of the new dwelling, including over the proposed rear projection, adding considerably to the bulk and mass of the proposal. The proposed dwelling would have considerable depth which, together with the width of the dwelling and the bulky crown roof design, would result in a dwelling that would be visually dominant in the street scene and out of keeping with the character and appearance of the surrounding area.
11. A garage is also proposed to the front of the dwelling, adjacent to Herbert Road. Guidance is provided within the Council's Residential Extensions and Alterations Supplementary Planning Document (2011) which states that

garages should not project forward of the main building line of the house and will rarely be acceptable if located in the front garden.

12. The garage would incorporate a crown roof and would be visually prominent in the street scene given its siting directly adjacent to Herbert Road and the absence of any meaningful space for landscape screening. The proposed garage would be an incongruous feature in the street scene and due to its visual prominence, would result in harm to the character and appearance of the area. It would also conflict with the guidance set out in the Residential Extensions and Alterations SPD.
13. The appellant has referred to several other developments in the area for large dwellings that extend close to side boundaries, including a newly constructed dwelling at 88 Parkstone Avenue. However, I have not been provided with full details of this case or of the other applications referred to in the local area. In any event, I am required to determine the appeal on its own merits.
14. In conclusion of this issue, the proposal would have a harmful effect on the character and appearance of the area and accordingly would be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document ('the CS') which requires development to maintain, enhance or improve the character and appearance of the local area and to respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.
15. Furthermore, the proposal would also be contrary to the Emerson Park Policy Area SPD which states that no new building will be permitted unless its massing and architectural character, and the resultant space between adjacent buildings, are compatible with the character of the local street scene.

Living conditions

16. The design of the proposed dwelling includes a large rear projection which would extend a significant distance beyond the rear elevation of the adjacent dwellings. Whilst this element would be set in from the side boundaries, it would be of the same height as the remainder of the dwelling. The rear protrusion would have a crown roof design, with its rear elevation appearing as a full three storey.
17. I acknowledge that 54a Herbert Road has a garage to the rear of the dwelling which is close to the boundary with the appeal site. However, the rear garden of No 54a is of limited depth and the rear protrusion of the proposed dwelling would be unacceptably dominant when viewed from that property due to its overall height, bulk, mass and scale. The rear projecting element of the proposed dwelling would also extend a significant distance beyond the rear elevation of 52 Herbert Road and would similarly be overly dominant and visually intrusive when viewed from the rear of that dwelling.
18. The occupiers of adjacent dwellings would have their rear outlook unacceptably dominated by the built form of the dwelling. Accordingly, the proposal would have a harmful effect on the living conditions of neighbouring occupiers with particular reference to outlook. It would be contrary to Policy DC61 of the CS insofar as it seeks to protect the living conditions of existing occupiers. The proposal would also conflict with guidance contained within the Residential Design Supplementary Planning Document (2010) which requires that

development is sited and designed such that there is no detriment to existing residential amenity through dominance.

Highway Issues

19. The Council has raised concern regarding the effect of the proposal on pedestrian and vehicular safety due to the siting of the garage and an absence of information regarding the proposed front boundary treatment.
20. The proposed garage would be sited adjacent to Herbert Road. The submitted drawings do not clearly show the position of the vehicular access or the proposed layout of the frontage of the site. Whilst details relating to boundary treatment could have been dealt with by way of condition in the event that I was minded to allow the appeal, the proposed garage would be in a position that would be likely to impede sightlines from the appeal site and the neighbouring dwelling. Accordingly, in failing to demonstrate adequate visibility, the proposal would be likely to compromise the safety of pedestrians and other users of the highway and would be contrary to Policy DC32 of the CS which seeks to ensure the safety of all users of the highway.

Conclusion

21. The harm that would be caused to the character and appearance of surrounding area, together with the harm I have found to the living conditions of the occupiers of neighbouring dwellings and to highway safety leads me to conclude that the proposal would conflict with the development plan as a whole. There are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. For the above reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR