



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: 24 February 2021.

Appeal Ref: APP/B5480/W/20/3250795

Montana, Colchester Road, Romford, RM3 9SF

- 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 Lewis Newton against the decision of the Council of the London Borough of Havering.
 - The application Ref P1764.19, dated 20 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is demolition of 2no. detached single garages and assorted outbuildings to be replaced by 1no. detached bungalow on land to the rear of Montana, Colchester Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 19 January 2021 the Government published the 2020 Housing Delivery Test (HDT) results. As the HDT status of the London Borough of Havering has not changed from one category to another since 2019 and there is no dispute between the parties that the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) apply, it has not been necessary to seek further comments from the parties on this matter.

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 occupants of Montana (the host property) and other residential properties nearby.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of the host property, which is a two-storey detached property that fronts directly onto Colchester Road, a major trunk route out of London. The area around the appeal site is predominantly residential and comprises a mix of mainly two storey buildings. Although the proposed vehicular access to the site would be directly from the Colchester Road, the appeal site would be largely shielded from that road by

- the host property and would be mainly surrounded by residential gardens, apart from one corner of the site that adjoins Fairford Way.
5. Fairford Way is a relatively narrow loop road that provides access to a group of mainly terraced properties to the west and the rear gardens of the dwellings that front Kenilworth Avenue to the east. Most of the back gardens adjoining the appeal site are relatively large, and although some of them have outbuildings, garages or other structures, most of these are of a relatively modest scale in terms of height and footprint. As a result, the area surrounding the appeal site has a largely open and spacious character and appearance.
 6. The erection of a bungalow would reduce the size of the rear garden of the host property by around 50%. While care has been taken in both the siting and design of the proposed dwelling to seek to minimise its impact on the wider area, the introduction of a residential property which the Council estimate would have a floorspace of around 53sqm and a roof ridge height of around 5.1metres, on the appeal site would significantly erode the open and spacious appearance of the area.
 7. The erection of a dwelling in the rear garden of the host property would not accord with the pattern of development in the area and introduce a density of development that would be incongruous with, and harmful to, its character. Furthermore, because the main part of the appeal site is close to Fairford Way on a corner location, the development would be far more visible and prominent from public vantage points than is typically the case for backland developments of this nature and scale.
 8. While the existing structures to be removed¹ may cumulatively have a similar footprint to the proposed development, the main existing structures are/were sited along the western boundary of the site, and include the garage building immediately adjacent to the host property at the front of the site. Only the flat roofed single storey garage at the rear of the site is readily visible from Fairford Way and because of its scale and location, has only a limited impact on the character and appearance of the area.
 9. There is a two storey electricity substation building on Kenilworth Avenue several gardens away from the appeal site. Although lacking in fenestration, this building has been carefully designed to respect the siting and form of the other properties fronting Kenilworth Avenue and as a result does not appear incongruous with the character and appearance of the area.
 10. It is suggested that building lines exist between the substation and a possible extension of No.6 Fairford Way, and between Montana and some outbuildings on Fairford Way, however such building lines are not clearly evident on the ground and do not form a strong basis for arguing for the introduction of a large building in an area that is currently predominantly open and undeveloped. Even if No.6 Fairford Way were extended, as had once been proposed, this would not significantly reduce the impact of the proposed development on the character and appearance of the area.
 11. In conclusion on this first issue, and for the reasons I have outlined above, I find the proposed development would substantially harm the character and appearance of the area and thus conflict with Policy DC61 Urban Design of the

¹ the workshop has already been demolished

Havering Core Strategy and Development Control Policies Development Plan Document (2008) (the plan) which requires that new development maintains, enhances or improves the character and appearance of the local area.

Furthermore, I find that Policy DC61 is consistent with the design policies of the Framework in seeking to ensure that development adds to the overall quality of the area.

12. In reaching this conclusion, I have had regard to the other design policies and supplementary guidance drawn to my attention by both parties, including other policies of the plan, policies of the London Plan, Havering's Residential Design Supplementary Planning Document and the National Planning Policy Framework (the Framework), in particular Section 12 – Achieving well-designed places.
13. I do not consider the proposal constitutes an outstanding or innovative design in terms of policy 131 of the Framework and, even if it did, it would not deliver a development that meets the requirement of policy 131 that it fits in with the overall form and layout of its surroundings.
14. My attention has been drawn to a number of developments in Havering which are argued to be precedents which support the form of backland development proposed. In most cases the information before me on those other schemes is very limited. It is not clear if the Keats Avenue development is nearby to the appeal site and there is limited information before me about the character of the area, and the pattern of development and roads, surrounding that site. Given these limitations, while the other schemes are material, I cannot attach substantial weight to them. Furthermore, I must assess each case on its merits first against the prevailing policy background.

Living Conditions

15. The loss of around half of the private garden available to the host property would significantly reduce its scale and amenity, particularly as the remaining garden lies to the north of the host property so is likely to have limited exposure to the winter sun. The provision of a driveway along the length of the remaining garden, to allow vehicular access to the proposed development, would also result in increased noise and disturbance for the occupiers of the host property, although given the likely small number of vehicle movements to and from the proposed development this impact would probably be limited.
16. The erection of the proposed development would also adversely affect the outlook and enjoyment of the rear garden areas of the adjoining properties, in particular the host property and property immediately to the east of Montana, named Ingvar. The Council estimate the proposed development would have a wall length of 8metres and an eave height of around 2.95 metres on the eastern boundary, with a roof pitch height of 5.1metres. Given its scale and proximity to the common site boundary, the proposed development would be likely to have an overbearing impact on the rear garden space of Ingvar and result in some overshadowing.
17. In conclusion on this second issue, and for the reasons set out above, I find that the proposed development would have a harmful impact on the living conditions of the occupiers of the host property, the property immediately to the east and to a lesser extent the properties on Fairford Way, that adjoin the appeal site to the west. Consequently, the development would be contrary to Policy DC61, which amongst other things seeks to ensure that development

complements or improves the amenity of surrounding land and buildings. I consider that Policy DC61 is consistent with the provisions of the Framework that seek to ensure that developments create places that provide a high standard of amenity for existing and future users.

Other considerations

18. The provision of an additional dwelling would accord with the policies in the plan, London Plan and Framework that seek to increase housing supply. But given the minor impact on overall supply, this adds only modest weight in favour of the proposal and does not outweigh the harm I have identified.
19. 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 HDT. Thus, given the nature of the proposal, the provisions of Paragraph 11(d) of the Framework are engaged.
20. 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.
21. 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 and thus the relevant provisions of Policy DC61, although deemed out of date due to the Framework Footnote 7, are largely consistent with the Framework. 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.
22. Set against the harm identified, the new dwelling would make a modest/minor contribution to the Borough's supply of housing. The proposal would also make more effective use of the site and it could meet lifetime home standards and allow the appellant to build his own home. While these benefits accord with the Framework, they do not justify a development that would be unacceptably at odds with its other clear aims.
23. 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 Montana and other nearby properties 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

24. The proposed development would conflict with Policy DC61 of the local plan and it would be contrary to the Development Plan as a whole. 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

