



Appeal Decision

Site visit made on 26 February 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/B5480/W/20/3257440
28 Elm Grove, Hornchurch RM11 2QX

- 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 M Atwal against the decision of the Council of the London Borough of Havering.
 - The application Ref P0619.20, dated 1 May 2020, was refused by notice dated 1 July 2010.
 - The development proposed is erection of a two storey, four bedroom dwelling and a detached garage to the rear of 28 Elm Grove.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr M Atwal against the Council of the London Borough of Havering. This application is the subject of a separate Decision.

Preliminary Matters

3. On 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Havering has delivered 36% of its housing requirement over the last three-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11(d) of the National Planning Policy Framework (the Framework) would be engaged. Although this was also the outcome of the 2019 HDT results, further views were nonetheless sought from the parties on this matter.
4. In March 2021, after the main parties had submitted their statements, the Mayor published The London Plan 2021 (LP). It comprises the spatial development strategy for London and forms part of the development plan. The LP replaces all earlier versions. LP Policies D4 and D8, which relate to delivery of good design and public realm, are similar to their predecessors, policies 7.4, 7.5 and 7.6. As these policies have not significantly altered through the plan making process, I have proceeded to determine the appeal on the submitted evidence.

Main Issue

5. The main issue is the effect of the proposed dwelling on the character and appearance of the host dwelling, the street scene and the Emerson Park Policy Area.

Reasons

6. No.28 Elm Grove (No.28) is a large two-storey detached dwelling located on the corner of Elm Grove and The Witherings within the Emerson Park Policy Area. The *Emerson Park Policy Area Supplementary Planning Document (2009)* (SPD) describes Emerson Park as 'one of the most mature and pleasant residential districts in the Borough.' It identifies Elm Grove as within Sector 6, which is particularly typified by medium and large dwellings in spacious, well landscaped grounds. I saw from my site visit that the distinctive character of Elm Grove is derived from its large houses, some of which are no longer as originally built, but all are set on generous plots with an overall attractive and verdant appearance to the street scene.
7. The proposed two-storey detached dwelling would be located on the rear part of the garden of No.28, orientated towards The Witherings. The location of No.28 means that its garden extends a significant distance along The Witherings which affords the corner an open aspect, with clear views of the skyline and the trees, landscaping in rear gardens. I found this makes a significant and important contribution to the character and appearance of the street scene notably from Elm Grove. The proposed dwelling would result in the loss, to a large extent, of the important open aspect I describe.
8. Although still typical of Emerson Park, The Witherings has a different character and appearance to Elm Grove. Here, large houses are set around a cul de sac and they are more uniform in size and design than the individually designed houses on Elm Grove. Aligning with the neighbouring dwelling at No.2 The Witherings, the proposed dwelling would be set only around a minimum 3.8m from the road and would therefore be visible and prominent on the Elm Grove corner. From The Witherings, looking towards Elm Grove, the aspect is currently open and spacious with the rear of the large dwellings fronting Elm Grove seen over their long back gardens. The siting of the proposed dwelling means that this visual and spatial break between The Withering and Elm Grove and its open character would also be lost.
9. The SPD requires new dwellings to provide a minimum plot width of 23m which should be achieved at both the road frontage and building line. Whilst this would be achieved on the road frontage, I note that the site tapers in from the road and would therefore appear narrower at the house. However, whilst the proposal may fall short of the SPD guidance in this regard, the overall plot width is generally consistent with other dwellings in The Witherings. The proposed house would also be set on a similar building line to those dwellings on the south side of The Witherings and its overall design, with a hipped roof and portico entrance, would reflect other houses in the cul-de-sac. The palette of materials used could be controlled by condition to ensure a satisfactory appearance. I accept therefore that the proposed dwelling would complement its neighbours on The Witherings, but I do not find this sufficient to mitigate or overcome the significant harm that would result from the loss of a large part of the garden of No.28.

10. The SPD states that backland development generally results in increased density and reduced garden length, both of which are harmful to the special character of Sector 6 of the Emerson Park Policy Area. As described above, one of the defining characteristics of Elm Grove is the spacious, well landscaped grounds of dwellings. In this case, the proposed dwelling would result in the loss of a large part of the rear garden of No.28 and a reduction in the plot size, as calculated by the Council, of around 70%. The resulting garden would still be a maximum of around 27.5m in length from the main rear elevation and it is not disputed by the parties that it would provide sufficient amenity space for its occupiers. However, the footprint of No.28 is arranged broadly as a 'T' shape and part of the main house would therefore be much closer to the boundary and flank elevation of the proposed dwelling, and the garden length much shorter. This relationship would therefore appear unduly close and cramped given the scale of the host dwelling detrimental to its defining spacious character, and therein the special character of Emerson Park.
11. The appellant has drawn my attention to an appeal decision at 13 Bruntwood Avenue, Hornchurch RM11 3JD (APP/B5480/W/17/3190401). Whilst I have not been provided with full details of this appeal scheme, I note from the Inspector's Reasons that the site was a former care home comprising a 'site notably larger than the surrounding plots in the immediate area.' I am not therefore persuaded that it has similar or comparable site characteristics to the appeal now before me. I therefore find the appeal decision adds little to the case made by the appellant and, in any event, I am mindful that each case should be considered on its own merits.
12. For the reasons above, I find the proposed dwelling would cause harm to the character and appearance of the host property, the street scene and the Emerson Park Policy Area. Consequently, in addition to the conflict I have found with the SPD, the proposal would conflict with the Residential Design Supplementary Planning Document (2010) and Policies DC61 and DC69 of the Core Strategy and Development Control Policies Development Plan Document (2008) in so far as they collectively require development to respond to patterns of development and enhance or improve the character and appearance of the local area, including the special character of the Emerson Park Policy Area.
13. It would also conflict with London Plan Policy D4 and D8 which seeks to deliver buildings that positively respond to local character and requires development to ensure a mutually supportive relationship between the space, surrounding buildings and their uses.

Other Matters

14. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
15. Taking into account the current shortfall, the provision of one additional dwelling would make a limited contribution to housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the site is within an established residential area and the

Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.

16. Nevertheless, the identified adverse impacts of the development in respect of the harm caused to the character and appearance of the host dwelling, the street scene and Emerson Park would significantly and demonstrably outweigh these benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

17. For the reasons give above, the appeal is dismissed.

R. Jones

INSPECTOR