



Appeal Decision

Site visit made on 8 April 2021

By R. Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/B5480/W/20/3262133

77 Hall Lane, Upminster RM14 1AQ

- 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 Holden Properties Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref P0800.20, dated 10 June 2020, was refused by notice dated 7 August 2020.
 - The development proposed is erection of 2 x two-storey 5-bed detached dwellings with habitable roof space with associated parking and amenity space involving demolition of existing detached garage and store and single storey rear extension to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 x two-storey 5-bed detached dwellings with habitable roof space with associated parking and amenity space involving demolition of existing detached garage and store and single storey rear extension to existing dwelling at 77 Hall Lane, Upminster RM14 1AQ in accordance with the terms of the application, Ref P0800.20, dated 10 June 2020, and the plans submitted with it, subject to conditions in the schedule below.

Procedural Matter

2. The appellant has agreed to the amended description of development in the Council's decision notice. I have therefore used this in the banner heading above because it accurately describes the proposal before me.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. No.77 Hall Lane (No.77) is a large, detached house on the western side of Hall Lane adjacent to Upminster Golf Club. No.77 falls within Zone B of the Hall Lane Policy Area. This is described in the Hall Lane Policy Area Supplementary Planning Document (2009) (SPD) as typified by relatively large semi-detached and detached dwellings set in generous well-landscaped gardens with good tree cover. On my site visit I found this part of Hall Lane to be as described in the

SPD, but the character is also derived from the individual, distinct styles of well-proportioned detached houses and plots.

5. Compared to its neighbours, No.77 is set on an uncharacteristically large plot and the development proposes alterations and an extension to the donor house and the construction of a new detached house either side of it. This would inevitably significantly reduce the width of the plot for No.77, but resulting Plots 1 to 3 would nonetheless meet the minimum 10m width set out in the SPD guidance.
6. Plots 1 and 3 would have narrower plots, and therein frontage to Hall Lane, than other houses within the street scene and notably the closest neighbours at No.73 and No.75 Hall Lane. However, there is variation along Hall Lane and I did not find a uniformity or rhythm in the width of plots to be a particular or defining characteristic of the street scene. Further, No.77 is slightly angled away from Hall Lane and the proposed houses have been sited to reflect this, rather than continuing the generally consistent building line of the rest of Hall Lane. This means that the narrow plot widths, relative to No.73 and No.75 would not be particularly discernible from the street. The proposed houses have been staggered in their layout to allow for a reasonable front garden and the existing street trees to be retained, important characteristics of the Hall Lane Policy Area.
7. Each plot would be offset from its respective side boundary by a minimum of 1m. The evidence submitted by the appellant shows houses on this part of Hall Lane to be typically set below 2m from site boundaries and this is consistent with my observations on site, with the general pattern of development being houses set relatively close together. Although set around 2m apart at ground floor, the roof design of Plots 1 and 3, a combination of hips and gables, means that the proposed development would nevertheless appear well spaced, with a good degree of sky visible between each. I therefore find the spacing of the plots appropriate to their setting.
8. The height of the roof of both Plots 1 and 3 would be around 10m to the ridge, higher than No.77. The pyramid hipped design of the roof, with gable elements or features, reduces the overall mass of the roof therein respecting the scale of other houses in the street scene. The proposed new houses would have small front facing dormers providing accommodation within the roof space and whilst not a characteristic of this part of Hall Lane, some houses have accommodation within the roof with front facing Velux windows. I do not therefore find this element to be visually intrusive, recognising that part of the defining character of the area is the individual design of houses, which includes their roof forms.
9. No.77 is understood to date from the 1930s and is designed with a rendered façade, a brick plinth and distinctive cropped gable roof. The two new houses would be a traditional design with reference to the Arts and Craft style but are nonetheless distinct from No.77 and each other in their feature gables, materials and fenestration details. The three houses have however been designed as a complete composition and, despite not being double fronted, would assimilate well with each other and the neighbouring house, No.75 Hall Lane, reflecting the individual design of existing houses within the street scene. They would not therefore cause harm to the character or appearance of the area.

10. Consequently, the proposed development would be consistent with the guidance in the SPD as it would not detract from the established character of the Hall Lane Policy Area. There would also be no conflict with Policy DC61 of the Havering Core Strategy and Development Control Development Plan Document (2008) (DPD) because the houses respond to distinctive local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. Further, in maintaining the special character of the Hall Lane Policy Area, there would be no conflict with Policy DC69.

Other Matters

11. Concerns have been raised regarding the intensification of traffic and additional vehicle crossovers. The Proposed Block Plan and Street Scene drawing (drawing ref. 1685/02) shows that the two existing vehicle crossovers would be used for Plots 1 and 3 with only one additional crossover proposed for Plot 2. Any increase in vehicles using this to access a single house would not be sufficient to amount to a reason to withhold consent.
12. I acknowledge the concern that Plot 1 would reduce the light to an en-suite bathroom in the neighbouring house at No.75 Hall Lane (No.75). I do not have full details of the internal arrangement of the en-suite or the exact location of the window but I note that the flank elevation of No.75 is angled away from Plot 1 and there is a reasonable separation distance between them. Combined with an en-suite bathroom being a non-habitable room, I am satisfied that the proposal would not cause a substantive loss of light such that it would cause harm to the living conditions of the occupiers of No.75.
13. Finally, I note the comments raised about the inclusion of land within the appeal site that is, or was, in the control of the adjoining golf club. Such a matter is, however, for the appellant to resolve with the relevant party and falls outside the scope of my consideration.

Conditions

14. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. It is also necessary, in the interests of the character and appearance of the area, to control the external materials used.
15. Given the importance of landscaping and tree cover to the character and appearance of the Hall Lane Policy Area, I consider that a condition controlling landscaping of the site is necessary. Further, and also in the interests of the character and appearance of the area, a condition requiring the submission of details of boundary treatment is necessary.
16. The Council suggested two conditions removing various permitted development rights. The *Planning Practice Guidance* (PPG) indicates that such conditions should only be used in exceptional circumstances. Given the size of the plots, I do not consider it necessary to prevent future extensions or additions. In the interests of protecting the privacy of neighbours, I do however consider it necessary to ensure that those windows on the flank elevations are obscure glazed and further windows or openings are prevented from being formed in the flank walls without prior permission from the local planning authority.

17. The PPG also indicates that conditions requiring compliance with other regulatory regimes will not pass the test of necessity. Given this, I consider it is not necessary to impose the conditions suggested by the Council requiring compliance with various parts of the Building Regulations.

Planning balance and conclusion

18. The 2020 Housing Delivery Test results show that the Council has under delivered against its housing requirement over the latest 3-year period. Consequently, the presumption in favour of development of paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. This means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
19. For the reasons I have given above, I have found no harm to the character and appearance of the area. Further, I am not persuaded, nor do I have such evidence before me, that there are other adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.
20. Consequently, I conclude the appeal should be allowed.

R. Jones

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Topographical Survey; 1685/01 'No 77 Existing Layout, Location & Block Plan'; 1685/02 'Proposed Block Plan & Street Scene'; 1685/03 'Plot 1 Layout'; 1685/04 'Plot 2 Layout'; 1685/05 'Plot 3 Layout'; 1685/V1 'Proposed Visuals.'
- 3) No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
- 4) No above ground works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.
- 5) Prior to the first occupation of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details prior to first occupation and retained permanently thereafter to the satisfaction of the Local Planning Authority.
- 6) The proposed first and second floor flank windows as shown on Drawing No.'s 1685/03, 1685/04 and 1685/05) shall be permanently glazed with obscure glass not less than Level 3 on the standard scale of obscurity and shall thereafter be maintained.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the buildings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.