



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/20/3263791

62 Cecil Avenue, Hornchurch RM11 2NB

- 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 Sunil Sehdev against the decision of the Council of London Borough of Havering.
 - The application Ref P1086.20, dated 1 July 2020, was refused by notice dated 7 October 2020.
 - The development proposed is demolition of existing garage and construction of new dwelling with private amenity space and off street car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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 Policy D6 and Table 3.1, which relate to housing quality and standards, are similar to their predecessors, Policy 3.5 and Table 3.3. As these policies have not significantly altered through the plan making process, I have proceeded to determine the appeal on the submitted evidence.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers;
 - the living conditions of existing occupiers of No.60 Cecil Avenue; and
 - highway safety with regard on-street car parking.

Reasons

Character and appearance

4. No.62 Cecil Avenue (No.62) is a two-storey semi detached house linked to its non-attached neighbour (No.60 Cecil Avenue) by a side garage. It is proposed to replace this garage with a two-storey one bedroom house.

5. At ground floor, the proposed house would extend the front elevation of No.62 up to No.60 and follow the common boundary to the rear at an angle. At first floor, whilst set back slightly from the front elevation of No.62, the proposed house would also extend to the boundary thereby infilling the existing gap between the two houses. This is not uncharacteristic of the pattern of development in the area and there are many examples, including the adjoining house at No.64 Cecil Avenue and its neighbour at No.66, where houses have been extended over the original garage up to the party wall. I do not therefore find the proposal would result in a cramped appearance out of character with the rhythm or pattern of development in the area.
6. The proposed house has been set back from the principal elevation, with a pitched roof to the front door, and set down from the ridge of the roof of No.62. Because of this, to all intents and purposes, it would appear an extension to the host house, save the additional front door. The fenestration details and style of doors and windows varies considerably and there is no real uniformity in the appearance of houses on Cecil Avenue. A second front door would not therefore appear entirely incongruous, or an alien feature, in this context.
7. No.62 has been extended at roof level replacing the original hipped roof with a rear dormer and flank gable. This existing flank is prominent within the street scene and although the proposal would extend the gable towards No.60, the set back from the front elevation and set down from the main ridge, would provide some relief in the massing. Further, by enclosing the gap, the extent of the flank elevation that would be visible would reduce, partly hidden by No.60.
8. Consequently, I find the proposed house would not cause harm to the character and appearance of the street scene or the surrounding area. There would therefore be no conflict with Policy DC61 of the Havering Core Strategy and Development Control Development Plan Document (2008) (DPD) or the guidance in the Residential Design Supplementary Planning Document (2010) in so far as they require development to respond to local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context. It would also be consistent with the guidance at paragraph 127 of the National Planning Policy Framework (the Framework) that developments are sympathetic to local character.

Living conditions – future occupiers

9. Policy D6 and Table 3.1 of the London Plan 2021 (LP) establish minimum internal space standards for new dwellings. For a 1 bedroom, 2 person dwelling over 2-storeys, the minimum gross internal floor area is 58sqm. It is agreed by the parties that the proposed house would be only 54sqm, so 7% below this minimum.
10. Internally the proposed house would be arranged so that the main living areas and bedroom would be to the rear of the house where it would be at its widest. Whilst these areas would be reasonably regular in shape and therein functional, because of the very narrow width at the front of the house (of only around 1.8m), the layout of this area would be cramped. Much of the area is so narrow that it is shown as corridor or circulation space which would be largely unusable.

11. The main ground floor living room/kitchen/dining room and first-floor bedroom would be single aspect but would have a good outlook over a private rear garden. It would also be south facing so the rear of the house, and the main living areas, would be afforded good levels of light. I am satisfied that there would be more than adequate outlook to the rear, but I share the concerns of the Council that only 'functional' rooms, so a bathroom and hallway, are located to the front preventing any natural surveillance from the house to the road.
12. This, combined with the shortcomings in size and usable space, results in a poor quality of living environment for future occupiers. The proposed house would therefore conflict with the minimum internal space standards of LP Policy D6 and with DPD Policy DC61 which requires, amongst other things, development to be durable and meet the needs of all people. It would further conflict with the guidance at paragraph 127 of the Framework which requires development to have a high standard of amenity for existing and future users.

Living conditions – existing occupiers

13. At ground floor, the proposed house would extend on an angle along the common boundary with No.60 to align with the existing rear elevation. Whilst set off the boundary, at first-floor to the rear it extends very close to the rear elevation of No.6 to allow a greater width of internal plan and living accommodation. Both houses would, however, be orientated slightly away from one another and as a result the main windows on the rear elevation of No.60 would remain largely unobstructed.
14. Given its proximity, the proposed house would result in some enclosure to the garden area of No.60, to the rear of the garage, but the proposed hipped roof would minimise the overall massing. I am not therefore persuaded that the proposed house would result in such a sense of enclosure to cause harm to the living conditions of the existing occupiers of No.60. Consequently, there would be no conflict with the objective of Policy DC61 to improve the quality of development.

Car parking

15. No.62 currently has a paved area to the front that can comfortably accommodate two parked cars. The Proposed Site Plan (drawing ref. PL-5897_07) shows this area divided to allow off-street parking spaces for both houses and Part 9 of the planning application form states that three on-site car parking spaces will be provided. No crossover details have been provided, but I saw on site that the existing arrangement is insufficiently wide for two cars to park independently of one another because of the location of the street tree which restricts access. The paved area could, therefore, only provide parking for one or other of the houses.
16. Parking on Cecil Avenue is not controlled but the prevalence of dropped kerbs along its length has reduced the availability of on-street parking. I did not observe any signs of parking stress on my site visit, nor do I have any evidence before me that this is a problem. I am therefore satisfied that the additional car parking space associated with the proposal could be accommodated on street without detriment to highway safety or the convenience of other road users. I therefore find no conflict with DPD Policy DC33 noting that the parking standards are, in any event, maximums.

Planning balance and conclusion

17. 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 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.
18. The provision of one additional house would make a small, important contribution to housing supply in the area. There would be social benefits arising from this, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirements in an area.
19. Nevertheless, whilst I have concluded there would be no harm to the character and appearance of the area, the living conditions of neighbours or highway safety, I have found significant harm to the living conditions of future occupiers of the proposed house. This adverse impact would significantly and demonstrably outweigh the benefits of the proposed house when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.
20. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

R. Jones

INSPECTOR