



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/20/3261245

19 Dunton Road, Romford RM1 4AH

- 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 John Crosby against the decision of the Council of London Borough of Havering.
 - The application Ref P0829.20, dated 13 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is described as 'new dwelling on land R/O 19 Dunton Road, RM1. Dwelling to face Haysoms Close, RM1'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the street scene;
 - the living conditions of future occupiers with regard outdoor amenity space; and
 - the living conditions of neighbours with regard privacy and overlooking.

Reasons

Character and appearance

3. The appeal site is located to the rear of No.19 Dunton Road (No.19) but faces Haysoms Close. The proposed two-storey house would be a contemporary design with a flat roof finished in stretcher bond brickwork with a soldier course and charred timber cladding. Although the fenestration detailing would differ, the scale and mass of the proposed house and the use of materials reflects the adjoining terraced housing at Nos 16a to 16c Haysoms Close (No.16a to 16c) recently built to the rear of Nos. 5 to 17 Dunton Road.
4. The existing outbuilding on the site, now partly removed, and concrete boundary fencing does not make a positive contribution to the appearance of the street scene. The flank elevation of the proposed house would be sited on the prominent corner at a bend in Haysoms Close but, in contrast to the existing, would provide some visual interest through the use of the brickwork and the tall, narrow ground floor window. The proposed house would therefore

improve the appearance of the street scene, rather than appearing incongruous or visually intrusive. I saw on my site visit that there is new tree planting on adjoining land to the west which, in time, would filter views of the proposed house and offset the loss of the mature tree on site.

5. Because of its corner location and limited plot depth, the proposed house is located with a minimal set back from the road particularly to its south west corner. The house has, however, been designed so that it continues the existing front building line of its neighbours at No.16a to 16c also set close to the road. The proposed refuse storage for the house is set forward from the main elevation and its immediate neighbours but is in a similar location to refuse storage for the terraced housing opposite. Its simple flat roof structure of the continuation of the stretcher bond brickwork and soldier course means it would appear a well-conceived part of the front elevation and not an alien feature.
6. For these reasons, I find that the proposed house would not cause harm to the character and appearance of the street scene. Consequently, there would be no conflict with Policy DC61 of the Havering Core Strategy and Development Control Development Plan Document (2008) (DPD) in so far as it requires development to respond to local building forms and patterns of development and respect the scale, massing and height of the surrounding physical context.

Living conditions – future occupiers

7. The Council's Residential Design Supplementary Planning Document (2010) (SPD) does not prescribe fixed standards for private amenity space recognising that this can restrict creative design and layout of new residential development, particularly on smaller, awkward development sites. The proposed house would have a small outdoor amenity space to the rear which would measure around 18sqm with a depth of only around 3m to the common boundary with No.19 Dunton Road. I note that the amenity space is constrained in size, but the internal arrangement of the proposed house means that there would be direct outside access via double doors from the main kitchen/dining and living space. The location of the bike locker in the north east corner would further restrict the area available but it would nonetheless be a regular shaped, practical space.
8. I do not have details of the proposed boundary treatment before me but a close boarded timber fence similar to neighbouring houses would not feel overly oppressive and would provide some sense of privacy and security. Given the orientation of the proposed house, with the amenity area being north facing, it would be partly or completely in shade for most of the day in winter. This is also likely to be the case in summer given its limited depth. Whilst this would reduce the quality of the space, on balance, I find it would be useable and adequate for a house of the size proposed allowing day to day activities such as outdoor dining.
9. I therefore find the amenity space would accord with the guidance of the SPD recognising that this is an awkward development site and there would be no conflict with the part of DPD Policy DC61 that requires development to meet the needs of all people and be durable and flexible.

Living conditions – existing occupiers

10. The appeal site is directly to the rear of No.19 Dunton Road (No.19), a two-storey house. The proposed house has been designed with the main bedroom to the rear with two windows orientated toward No.19. There is disagreement between the parties whether the separation distance between the closest rear window of the proposed house and the first-floor rear windows of No.19 would be 15m or 19m. Irrespective of the correct distance, from my site visit it was clear that the relationship between the two rear elevations would be uncomfortably close and there would be overlooking and therein a loss of privacy to the occupiers of No.19. I note that the adjoining houses at 16a to 16c Haysoms Close have a similar relationship to their rear neighbours but, unlike the proposed house, the principal first-floor rear windows have been designed at an angle to avoid such direct overlooking.
11. The limited depth of the private amenity space (of only around 3m) also means that all the garden of No.19 would be overlooked from the bedroom windows of the proposed house. I therefore find that it would cause significant harm to the living conditions of No.19 through overlooking and loss of privacy in conflict with DPD Policy DC61.

Planning balance and conclusion

12. 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.
13. 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. I also recognise the site is in an established housing area with good access to local services.
14. Nevertheless, whilst I have found no harm to the character and appearance of the area and found the private amenity space adequate, I have found significant harm to the living conditions of existing occupiers of No.19. 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.
15. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

R. Jones

INSPECTOR