



Appeal Decision

Site Visit made on 24 August 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2021

Appeal Ref: APP/B5480/W/20/3257124

Land at Oreston Road, Rainham RM13 9XS

- 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 Matt Elliott (KMDS Designs) against the decision of London Borough of Havering.
 - The application Ref P0258.20, dated 20 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is the erection of new dwelling with private amenity and off-street car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.
3. After the determination of the planning application, the London Plan (2021) has been published. I have given the parties the opportunity to comment on this document and have considered the appeal with reference to the new policies to which I have been directed.

Main Issues

4. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - whether appropriate living conditions would be secured for the future occupiers of the development.

Reasons

Character and appearance

5. The appeal site consists of an area to the rear of some existing garages. The surrounding area contains many dwellings constructed to different designs. Whilst the surrounding dwellings vary in form, a unifying trend is that they have a direct frontage onto the street and that all of the front elevation of each dwelling is visible from the street.

6. The proposed development would therefore deviate from this characteristic given that it would be located behind some garages that are located outside of the confines of the appeal site. In consequence, the proposed development would be divergent from the character of the surrounding area given that the frontage of the proposed dwelling would not all be visible from the street.
7. In addition, a defining characteristic of the existing dwellings is the presence of open areas around, and to the front, of dwellings. Other dwellings within the surrounding area might have similarly proportioned frontages when compared to the appeal proposal, however, they retain the character of direct frontages onto the highway edge.
8. The proposed development would contrast with this given that the limited proportions of the site mean that the proposed development would be much closer to the site's boundaries. This would give the appeal proposal a more cramped appearance. Therefore, the proposal would appear incongruous.
9. Whilst the surrounding area features dwellings constructed to a variety of designs, there is a unifying character in terms of the areas of space surrounding each dwelling and frontage onto the highway. Therefore, the varying designs does not allow me to forego my previous concerns.
10. These concerns are heightened due to the relative prominence of the appeal site. The development would be clearly viewable from a number of surrounding dwellings. Furthermore, views of the dwelling would be possible from close to the site's entrance and parts would be viewable above the height of the neighbouring garages. Therefore, the presence of a dwelling that does not conform to the prevailing character would be readily perceptible. This means that the proposal would be strident.
11. Dwellings in the surrounding area have varying sized rear gardens. However, these are less prominent than the associated front gardens of dwellings and each property's frontage. In consequence, this characteristic does not allow me to disregard my previous concerns.
12. Although the proposed amenity space might be conveniently located, it is not of a sufficient size and position to ensure that the proposed development would assimilate into the surrounding area.
13. I note that the appeal site was previously part of the garden of another dwelling, albeit separated some time ago. However, for the reasons previously stated the proposed dwelling would appear discordant and the fact that the appeal site is not within the curtilage of a dwelling would not overcome this.
14. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (the Core Strategy). Amongst other matters, this seeks to ensure that developments maintain, enhance, or improve the character and appearance of the local area.

Living Conditions

15. The proposed dwelling would comprise a single dwelling, with a driveway and garden adjacent to the front elevation. All the dwelling's windows are sited on

the front elevation. The boundaries of the appeal site are marked by wooden fences and the existing garages.

16. Owing to the positioning and scale of the proposed bungalow, it is not possible to install windows on the side and rear elevations without harming the living conditions of the occupiers of neighbouring properties. This means that the only windows are on the front in proximity to the existing garages.
17. Due to the height of the garages, the majority of the dwelling's windows would have limited outlook. Given that the effected rooms would include the dwelling's kitchen and living room, the lack of outlook would be particularly apparent. Furthermore, the limited size of the garden and proximity of the garages and boundary fences would also prevent the users of the garden from experiencing appropriate outlook.
18. In addition, the proposed garden is of a restricted size. As the proposed dwelling could potentially be occupied by a couple, the limited size of the garden would reduce the ability of residents to undertake the full range of recreational activities. Furthermore, the available space for recreation would be further reduced if the garden be used for the storage of refuse or materials for recycling or for the undertaking of household tasks, such as the drying of washing.
19. Whilst there is an area of public open space nearby, it would not serve as an appropriate alternative for all types of recreation owing to this area's lack of privacy.
20. The internals of the proposed dwelling would also be of a restricted size. In result, the development would not comply with the Nationally Described Space Standards. This means that occupiers of the development would not benefit from appropriate space for the storage of normal household objects. This would therefore prevent the occupiers of the development from experiencing appropriate living conditions.
21. I have been directed towards a previous appeal decision. I do not have the full information regarding the circumstances of this, which lessens the weight that I can attribute to it. Nonetheless, the scheme before me would have a layout that would, amongst other issues, lack suitable space for the storage of the full range of household objects. Therefore, the development would not function in such a way so as to provide appropriate living conditions for the future occupiers. I therefore do not find that this appeal decision is sufficient to overcome my previous concerns.
22. Whilst the proposed development would create a dwelling of a similar size to some flats, the lack of appropriate living conditions for the future occupiers of the development creates significant concerns.
23. I therefore conclude that the proposed development would fail to provide appropriate living conditions for the future occupiers of the dwelling. The development, in this regard, would conflict with Policy DC61 of the Core Strategy and Policy D6 of the London Plan (2021). Amongst other matters, these seek to ensure that developments meet the needs of all people of all ages; have sufficient internal space; and maximise the provision of dual aspect dwellings.

Other Matters

24. The proposed development would represent the creation of a relatively small dwelling, which might be preferred by some members of the local community. Furthermore, the development would add to the local housing supply. Whilst these are matters of note they do not outweigh, or overcome, the harm as identified in respect of the main issues.
25. The appellant has raised some concerns regarding the manner in which the planning application was determined by the Council. However, in assessing this appeal, I have limited my considerations to the planning matters before me.

Conclusion

26. The proposed development would have an adverse effect on the character and appearance of the surrounding area and would not provide appropriate living conditions for the future occupiers of the development. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed

Benjamin Clarke

INSPECTOR