



Appeal Decision

Site visit made on 23 June 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/B5480/W/21/3268851

Corsden Court, 1A Saxon Close, Romford RM3 0PX

- 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 Elmhenge Limited. against the decision of London Borough of Havering.
 - The application Ref P1685.20, dated 13 November 2020, was refused by notice dated 15 January 2021.
 - The development proposed is Construction of a second floor extension to the existing detached building to create a 1no. 1 bedroom flat unit with internal alterations to the existing first floor flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, the London Plan 2021 (LonP) was published. Consequently, policies of the previous London Plan 2016 have been superseded. The Council's statement identified the policies of the LonP that it considers relevant to the appeal, and the appellant had the opportunity to address this through appeal submissions. I am therefore satisfied that no prejudice would be caused by my consideration of the appeal against the policies of the LonP, and I have determined the appeal accordingly.
3. On 20 July 2021 a revised National Planning Policy Framework was issued. The main parties were given the opportunity to comment on the implications of the resulting changes for this appeal. The references to 'the Framework' made within my decision are to this revised version.
4. The appeal building was allowed at appeal¹ and I have taken account of that decision in my determination of this appeal.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the host building and the area; (ii) the living conditions of existing occupiers of the building with regard to privacy, and whether or not the proposal would provide adequate living conditions for future occupiers, with regard to the provision of private useable amenity space; and (iii) local housing mix.

¹ APP/B5480/W/15/3135641

Reasons

Character and appearance

6. Although the appeal building does not directly front Saxon Close, it nevertheless, forms an integrated part of the street scene which comprises mainly two storey detached dwellings.
7. The proposal would see the addition of a second-floor level, achieved by raising of the elevations and the addition of a new roof form. A front elevation gable feature would be incorporated, along with two frontage dual pitched dormers. The main roof pitch would be asymmetrical. This would be at odds with the simpler side gable form prevalent within Saxon Close. The significant increase in the height of this building would result in a vertically elongated building, which would appear as an oddly proportioned and overly dominant feature within the street. The result would be a building uncharacteristic of the immediate area.
8. In addition, when read in conjunction with its extremely limited plot depth the resultant building would appear unbalanced. The proposed rear elevation of the building would, by reason of needing to prevent overlooking, increase the amount of blank walling, thereby presenting an unattractive void to solid ratio which would further highlight the elongated proportions when viewed from the rear.
9. Although the effect would be localised in terms of views from the street, the overall height and proportions of the resultant building would result in unacceptable harm to the character and appearance of the existing building with consequent harm to the character and appearance of the area. This would not be mitigated by the use of matching materials. The partial screening of the building provided by existing trees would not sufficiently mitigate the increase in height of the building nor dampen its odd proportions.
10. I acknowledge that there are three storey buildings situated forward of the appeal site which front Gubbins Lane. However, these are set within a separate street scene and do not provide justification for the appeal proposal which would appear at odds with its immediate surrounds.
11. I conclude that the appeal proposal would result in unacceptable harm to the character and appearance of the host building and the area. Thus, it would conflict with the Council's Core Strategy and Development Control Policies Development Plan Document 2008 (CS) Policy DC61 and LonP Policy D3 which together and amongst other matters, seek to secure high quality design.

Living conditions

12. The existing arrangement with regard to external amenity space is that the ground floor unit occupiers have direct access to private outdoor space from the rear of their property and via a gate at the side. This space wraps around the side and rear of the building. This arrangement would remain as existing. As such, there would be no loss of privacy associated with the use of this space.
13. The occupiers of the existing first floor unit have private outdoor space at the other side of the building which is accessed via a side gate. This area is overlooked from the side windows of its users first floor unit. The ground floor

unit has a secondary window to its lounge area that faces this space. This window is high level and does not give rise to privacy issues either for the occupiers of its unit or for the users of the adjacent external space.

14. In respect of the first and second floor units the proposal seeks to share the space currently used by the occupiers of the first floor unit. The occupiers of these units would access the space in the same way that it is currently accessed; by leaving the building at the front and entering via the side gate. It is proposed that the refuse storage for these two units would be within this space and both units would be provided with a shed for cycle and garden storage. The space would be enclosed by existing fencing.
15. The Council's adopted Residential Design Supplementary Planning Document 2010 (SPD) requires that the design of proposed external amenity space should be of a high quality taking into consideration matters such as outlook, sunlight, trees, planting, materials, lighting and boundary treatments.
16. The appellant suggests that this document is out of date and has effectively been superseded in terms of space standards by both the Nationally Described Space Standards 2015 (NDSS) and the Mayor of London's Housing Supplementary Planning Guidance 2016 (SPG). The NDSS is concerned with internal space with new dwellings and is not therefore relevant to the concerns raised by the Council with regard to external amenity space.
17. The SPG Standard 26 requires that a minimum of 5 sqm of private outdoor space should be provided for one to two person dwellings. The proposed areas would be approximately 16 sqm per unit and would therefore exceed the SPG minimum requirement. CS Policy DC61 and the SPD do not prescribe the amount of amenity space required. However, I do not consider that there is conflict between the SPD and the SPG with regard to the provision of private outdoor space. The SPG states that care should be taken to ensure that the space offers good amenity. Similarly, the SPD advises that the fundamental design considerations for amenity space should be its quality and usability. Whether the proposed provision is adequate is, therefore, a matter of planning judgement based on the facts of the case.
18. Precise details of how the subdivision would be carried out have not been provided. Nevertheless, it seems to me that the result of any physical subdivision, including walkway arrangements, would be compact gardens that would necessarily be substantially enclosed by solid boundary treatments. There would be mutual overlooking of these areas from the first and second floor units. I am also mindful of the position of the areas in relation to the building and the path of the sun. Whilst this is an existing arrangement, I consider that the increase in height of the building, combined with the subdivision of the amenity space, would further diminish the amount of sunlight that the space would receive and would result in tightly enclosed spaces. The combined effect of these matters would not, in my view, be an acceptable arrangement.
19. The appellant has suggested that approval of details of the subdivision could be subject of a planning condition were the appeal to be allowed. However, I do not consider that this is a matter that should be dealt with by condition, as I am not convinced, because of the reasons discussed above, that the proposal is capable of providing well-designed and useable private amenity spaces for the first and second floor units.

20. Whilst I have not found harm with regard to privacy of the occupants of the ground floor unit, I have found that the proposal has failed to demonstrate that it would provide adequate living conditions for future occupiers, of the first and second floor units, with regard to the provision of private useable amenity space. Thus, it would conflict with CS Policy DC61 and the Council's SPD which collectively require good design throughout all developments.

Local housing mix

21. CS Policy DC2 seeks to ensure that new housing development meets local and sub-regional housing need in terms of housing types and tenures. The policy does not make specific reference to family housing or the need to protect it. Its supporting text indicates that new development should widen housing opportunity and choice and create mixed and balanced communities, in particular family accommodation. It is clear from CS Policy DC2 and LonP Policy H10 that local evidence of need is an important factor when considering housing mix.
22. The proposal to create a second floor one bedroom flat would include the reconfiguration of a first floor two bedroom flat to a one bedroom flat. CS Policy DC2 identifies two bedroom market properties as the highest priority for market housing. However, whilst this policy seeks a mix of housing which it is clear should include two bedroom units, it does not require that two bedroom units, or family units, must always be provided, or indeed retained, as part of any individual development. Similarly, although Policy H10 of the LonP advises that regard should be had to factors which include the need for additional family housing, this is not set as an overriding requirement, as it is noted alongside the role that one and two bedroom units have in freeing up existing family housing.
23. Notwithstanding the apparent discrepancy with the Council's consideration of a family unit being comprised of two bedrooms, and that indicated within LonP Policy H10 as being a unit with more than two bedrooms, the Council has not put any substantive evidence before me to demonstrate that there is a current identified need for two bedroom homes which outweighs an otherwise identified need for one bedroom homes.
24. Further, the proposal would align with the aims of LonP Policy H10 insofar as it would result in a wider housing opportunity choice by the introduction of one bedroom units, where currently there are only two bedroom units. There would be a mix of unit sizes within the development, as the existing two bedroom ground floor unit would remain. In this way, the proposal would make more efficient use of brownfield land and would increase the site's density at a level appropriate to the location's accessibility to public transport.
25. Therefore, on the basis of the evidence before me, I conclude on this issue that it has not been demonstrated that the proposal would result in an unsatisfactory mix of housing. Consequently, the proposal does not conflict with CS Policy DC2 or LonP Policy H10 where they seek to provide appropriate housing size mix.

Other Matters

26. Both parties make reference to the emerging Havering Local Plan which was subject of examination during 2019. A consultation in relation to the Main

Modifications document closed in November 2020. The emerging plan is therefore at quite an advanced stage. However, I have not been directed by either of the main parties to any emerging policies, or changes to existing policies, that are considered to impact on the appeal proposals. It has not therefore had a bearing on my decision.

27. I note the concern raised regarding the impact of the proposal on the outlook from a property to the rear of the appeal building. However, given my findings in relation to the main issues, I have not considered this matter any further.
28. I have taken into account the other policies and guidance drawn to my attention, including within the CS, the LonP, the SPG and the SPD. Based on the information before me, I consider that the policies and guidance concerned with design and amenity are broadly consistent with the aims of CS Policy DC61 and the Framework and therefore reinforce my conclusions on the main issues.
29. The Housing Delivery Test 2020 indicates that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. Consequently, the presumption in favour of sustainable development contained within 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.
30. The provision of an additional home would make a modest but important contribution towards the supply of housing, as sought by both local and national policies. The proposal would seek to make more efficient use of previously developed land in an accessible location and would align with the Framework's aim to support small scale development. The proposal would result in a mix of unit sizes adding to market choice. I afford these benefits modest weight commensurate with the scale of development proposed. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services. I attribute modest weight to these benefits because of the scale of development proposed.
31. The appellant has stated that they would ensure that local people would be given first opportunity to rent the flats, before any offer is made to the wider London market. However, I have no means before me with which to secure such intention and it does not weigh in favour of the development. Other matters where no material harm has been identified would be neutral in the planning balance.
32. Conversely, the proposal would result in unacceptable harm to the character and appearance of the appeal building and the area and would not provide adequate living conditions for future occupiers. As a result, the proposal would fail to accord with the environmental and social objectives of the Framework. This is a matter I give significant weight.
33. In my view, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

34. The proposal would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations, including the provisions of the Framework.

Conclusion

35. For the reasons given above the appeal is dismissed.

S Tudhope

INSPECTOR