

Appeal Decision

Site Visit made on 26 October 2021

by G Pannell Bsc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2021

Appeal Ref: APP/B5480/W/21/3273141

15-17 Hainault Road, Romford, RM5 3AA

- 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 and Mrs Easwaralingam against the decision of London Borough of Havering.
 - The application Ref P1317.20, dated 16 October 2020, was refused by notice dated 8 January 2021.
 - The development proposed is a two storey building comprising 1x3 bed and 1x2 bed self contained residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Havering has delivered 36% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. As this was also the outcome of the 2019 HDT results I have not sought further views from the parties on this matter.
3. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021 and the London Plan 2021 has been published. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

4. The main issues are the effect of the proposed dwelling on:
 - the living conditions of existing occupiers;
 - the living conditions of future occupiers, with regard to amenity space and outlook; and
 - the character and appearance of the area.

Reasons

Living Conditions – Existing Occupiers

5. The proposed development would be built on the boundary of 15-17 Hainault Road and would result in the enclosure of the rear boundary of the existing property. The side elevation of the proposed development would run parallel with the boundary of the rear garden/parking area of the existing building which comprises a mix of commercial and residential development.
6. Having regard to the proximity of the development and its overall scale, I find that the proposal would have an overbearing impact when viewed from within the limited amenity space immediately to the rear of 15-17 Hainault Road. This would fail to accord with the Design for Living Residential Design Supplementary Planning Document, 2010 (SPD) which states that new development should be sited and designed such that there is no detriment to existing residential amenity through dominance.
7. Furthermore, the proposal results in the loss of an area, which appears from the aerial photograph provided within the appellants statement, to have previously provided a larger area of amenity space and its loss would further add to my concerns regarding the living conditions of existing occupiers.
8. I therefore conclude that the appeal scheme would harm the living conditions of the occupants of 15-17 Hainault Road, in respect of outlook from and enjoyment of their private amenity space. Therefore, in this regard the proposal would be contrary to policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) which states proposals will not be granted planning permission where they result in unacceptable effects on the existing properties.

Living Conditions – Future Occupiers

9. The private amenity space for the dwelling is provided to the side of the proposed development, located behind the proposed parking spaces. The amenity space would be relatively narrow and enclosed by close boarded fencing to enable the area to be afforded a degree of privacy, however this does restrict outlook from the ground floor bedroom window to the rear.
10. Having regard to the shape and size of this area it is unlikely to have any practical use for sitting out, or drying washing, given it would also provide storage for refuse. The area also would have a dual function to provide parking for a car and bicycles, leaving a relatively small area of amenity space.
11. I have had regard to the suggestion that the site is located within close proximity to King Georges Playing Field and the SPD does state that proximity to public open space will be considered when assessing the adequacy of provision of private amenity space. However, I have not been provided with details of travel time, and even if the playing fields were located only a short distance away, using them would be significantly less convenient than using an appropriate amenity space at the appeal site.

12. Furthermore, owing to the close proximity of the car parking space, the main outlook from the kitchen/living room windows from the west elevation would be partially restricted if a car was parked in this area. This would add to my concerns about the future living conditions for occupants of the ground floor accommodation.
13. The first floor accommodation would, as a result of the need to protect the privacy of existing occupiers of neighbouring dwellings, include a kitchen/living room with a single outlook facing towards the rear of 15-17 Hainault Road. This would limit the amount of natural light received to the main habitable room and leads to a development which would fail to provide acceptable living conditions for future occupiers.
14. In summary, the amenity space provided is not considered to be a space which would be attractive and inviting, and therefore would not promote its use as a space for leisure and relaxation and as a result, the proposal would not provide an adequate private amenity space for either dwelling. In addition, the limited outlook from the proposed ground floor window serving the main living area and the lack of openings serving the first floor accommodation, leads to a development which would fail to provide acceptable living conditions for future occupiers.
15. The development is contrary to Policy D6 of the London Plan (LP) which requires housing developments to be of a high quality with functional and comfortable layouts. It would conflict, in this regard therefore, with Policy DC61 of the DPD which requires development to meet the needs of all people of all ages.
16. It would also fail to accord with the SPD which states that private gardens should provide adequate space for day to day uses such as a table and chairs for outdoor dining, clothes drying, relaxation, gardening and that habitable rooms should contain at least one main window with an adequate outlook where nearby walls or buildings do not appear overbearing or dominant.

Character and appearance

17. The site is located on Cedar Road, a predominately residential area, comprising the rear garden of 15-17 Hainault Road. The area is characterised by a range of dwelling types.
18. The width of the plot is reasonable given the scale of the development. The plot is of sufficient size to provide an appropriate level of parking and notwithstanding the harm I have identified as a result of the lack of appropriate amenity space, the proposed development would not appear cramped within the street scene with spacing available to either side.
19. The development would have its frontage and vehicular access onto Cedar Road and would be read within the context of the existing dwellings located nearby. The siting of the proposed dwellings whilst being close to the frontage of the site, is not considered detrimental to the character of the area, having regard to the width of the road, including the existing footpath.

20. Whilst there are only a few properties on the appeal site side of Cedar Road, the development would continue the built form from Hainault Road, including that of the host property whose side boundary extends along Cedar Road. The proposed dwellings, by virtue of their overall size and scale, reflects the dwellings within Cedar Road and would contribute positively to the character and appearance of the area.
21. I therefore conclude that the proposed development would not harm the character and appearance of the area. It would not conflict with Policies DC3 and DC61 of the DPD, in this regard, which together require developments to consider how the design and layout responds to distinctive local building forms and patterns of development and respects the scale, massing and height of the surrounding physical context.
22. The proposal would also accord with the SPD which states that development should reinforce and add to the positive aspects of the built environment.

Other Matters

Housing Delivery

23. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in 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.
24. Taking into account the current shortfall, 2 dwellings would provide a limited contribution to housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
25. Nevertheless, the identified adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

26. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

