



Appeal Decisions

Site Visit made on 26 October 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal A Ref: APP/B5480/W/21/3271695

24 & 26 Dunmow Drive, Rainham, RM13 7UD

- 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 Damer Properties Ltd against the decision of the Council of the London Borough of Havering.
- The application Ref P1537.20, dated 19 October 2020, was refused by notice dated 16 December 2020.
- The development proposed is 2 no. new semi-detached houses constructed adjacent to 2 no. existing properties with parking, garages and landscaping for each property. Single-storey rear extension to no. 24 Dunmow Drive.

Appeal B Ref: APP/B5480/W/21/3275942

26 Dunmow Drive, RAINHAM, RM13 7UD

- 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 Dennis Daly (Damer Properties Ltd) against the decision of the Council of the London Borough of Havering.
- The application Ref P0105.21, dated 21 January 2021, was refused by notice dated 6 April 2021.
- The development proposed is 2 semi-detached dwellings attached to the side of no. 24 and no. 26.

Decision

1. Appeal A is dismissed, and Appeal B is dismissed.

Preliminary Matters

2. As set out above there are two appeals on the same site. The schemes differ in the detail of the design and scale of the proposed dwellings and the inclusion of a single storey rear extension in appeal A. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. On 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.

4. 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

5. The main issues in each appeal are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the future occupier of 26A Dunmow Drive, with regard to privacy, light and outlook

Reasons

Character and appearance

6. The appeal site comprises two end terrace dwellings, 24 and 26 Dunmow Drive. The existing dwellings are set perpendicularly to each other, located at the end of a cul-de-sac of similar terraced dwellings and benefit from a larger plot than others within the terrace. There is a consistency to the built form which contributes to the pleasant suburban character.
7. In both Appeal A and B a 2 storey dwelling would be constructed at the end of each terrace, reducing the extent of the gap which currently exists between the two rows of terraces. The spacing between these dwellings offers some relief from the otherwise continuous built up form which is a predominant feature of the cul-de-sac. Therefore, the reduction in the spacing between the existing development and the degree of overlapping between the front (26A) and side elevation (24A) of the proposed dwellings would lead to a cramped form of development. This would disrupt the overall rhythm of the immediate locality and be harmful to the character and appearance of the area.
8. I therefore conclude that the proposed development in both Appeal A and B would introduce a discordant built form to the locality that would be out of keeping with and harm the character and appearance of the surrounding area. This would be contrary to policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) which seeks to maintain, enhance or improve the character and appearance of the local area.
9. Whilst recognising that policies H1, D1 and D3 of the London Plan (LP) seek to optimise site capacity and increase housing supply, they also state that the form and layout of development should enhance local context by positively responding to local distinctiveness with regard to building types, forms and proportions. Therefore, for the reasons I have identified above the development would also fail to accord with policies H1, D1 and D3 of the LP. It would also fail to accord with policy D4 which seeks to deliver good design.

Living Conditions – future occupier (26A)

10. The layout of the proposed development in both appeals leads to the front elevation of 26A facing onto the side elevation of 24A, with only a limited degree of separation between the two properties. In Appeal B the layout of 26A has been handed to position the proposed windows further towards the front of 24A.

11. Given the scale and height of the proposed dwelling (24A), in conjunction with its proximity to no 26A, it would obstruct light to and outlook from the ground and first floor windows of the proposed dwelling, which would serve a kitchen and bedroom.
12. In Appeal B, the ground floor accommodation for no 26A has been handed so that the outlook from the windows in the front elevation are not completely obscured by the side elevation of 24A. However, given the parking arrangements shown the outlook would still be partially obscured when vehicles are parked within the proposed forecourt. This in combination with the lack of spacing between the proposed dwellings, in both Appeal A and B, results in a form of development that would obstruct light and outlook from the proposed windows within the front elevation of 26A, which would serve the kitchen and bedroom. This would result in a development which would fail to provide acceptable living conditions for future occupiers.
13. It has been put to me that the proposed kitchen/living room would receive acceptable levels of light and outlook as a result of the room being open plan and having both windows and doors located to the rear and side. Whilst the layout is open plan, the area to the front of the dwelling is laid out as a kitchen diner with a table shown within the proposed bay window. Any person sitting at the dining table, or in the kitchen preparing meals would be some distance from the windows towards the rear of the dwelling. As such this would not overcome my concerns regarding the overbearing effects of the proximity to the neighbouring dwelling, or poor outlook provided from the front window which is nearest to that part of the living space.
14. The reason for refusal on both Appeal A and Appeal B also cites a loss of privacy to the proposed occupiers of 26A. However, there are no windows proposed within the side elevation of 24A and therefore I have not identified any concerns with overlooking directly into the windows or private amenity space of 26A. I note that there are windows proposed at ground floor level in 26A, but these would look directly over the amenity space of that property and would also face onto the proposed fencing which would separate the two plots. Therefore, the proposed development would not lead to a loss of privacy for either of the future occupiers of the proposed dwellings.
15. The development is contrary to Policy D6 of the 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 Design for Living, Residential Design Supplementary Planning Document 2010 which states 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.

Other Matters

Housing Delivery

17. 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.

18. 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.
19. 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

20. 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 Appeal A and Appeal B should be dismissed.

G Pannell

INSPECTOR