
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: 17th November 2021

Appeal Ref: APP/B5480/W/21/3272341

258 Brentwood Road, Romford, RM1 2RP

- 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 M Strange against the decision of London Borough of Havering.
 - The application Ref P1178.20, dated 19 August 2020, was refused by notice dated 22 October 2020.
 - The development proposed is new dwelling on land adjacent to 258 Brentwood Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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.
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 character and appearance of the area;
 - the safety and convenience of highway users; and
 - on the living conditions of existing occupiers.

Reasons

5. The appeal site comprises the former rear garden of 258 Brentwood Road, and has a frontage onto Osborne Road. The area is characterised by a mix of semi-detached, detached and terraced dwellings and is predominately residential in character. The dwellings within the vicinity of the appeal site form a loose linear pattern of development fronting the highway with reasonable sized gardens.

There is a consistency to the scale of the built form which contributes to the pleasant suburban character.

6. The appeal site provides a degree of spacing between the development facing Brentwood Road and the development in Osborne Road. The proposed dwelling, due to the relatively narrow width of the plot, would be sited close to the side elevation of 2a Osborne Road and the limited spacing between the dwellings would lead to a cramped form of development, at odds with the prevailing character of the area.
7. The development would result in an increase in the density of development within the locality, which is generally characterised by good sized gardens. This would lead to a cramped form of development which would be both out of character and harmful to the overall appearance of the area. This would fail to accord with the Residential Design Supplementary Planning Document (SPD) which seeks to ensure development enhances local character and promotes good design.
8. I therefore conclude that the proposed development 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 policies DC3 and DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) which seek to ensure appropriate housing designs and layouts which 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.

Highway Safety

10. The proposed vehicular access and parking spaces would be sited in close proximity to an existing street tree. The existing street trees and those within the gardens of properties within Brentwood Road, help to soften the urban environment and contribute positively to the character of the area. The appellant has not provided an arboricultural impact assessment to demonstrate how the dwelling and access could be constructed on the site without detriment to the tree. Furthermore, there are no details provided of any mitigation which could be provided in terms of the overall design and construction of the development.
11. In addition, insufficient evidence has been submitted to demonstrate that vehicles entering and exiting the proposed parking spaces would be provided with sufficient visibility having regard to the position of the existing tree or whether a satisfactory means of access to the site could be achieved. As a result the proposed access could result in conditions that would be detrimental to highway safety.

12. It would also not be appropriate for this level of detail to be left to be agreed by condition. As it is not possible, on the information before me, to conclude that the proposed parking spaces could be constructed without resulting in harm to the tree or that appropriate levels of visibility could be achieved for vehicles exiting the site.
13. Based on the evidence before me, there is insufficient information to establish that the works required to construct the proposed parking spaces would not result in a serious and adverse impact on the existing street tree. Furthermore, it has not been demonstrated within the evidence before me that the proposed access and parking arrangements would not result in an adverse effect on highway safety.
14. In conclusion the proposed development would be contrary to policies DC3, DC33 and DC35 of the DPD which require appropriate levels of cycle and car parking and policy DC61 of the DPD which requires the retention of existing trees. It would also be contrary to policy T6.1 of the LP which requires appropriate levels of residential parking.
15. The Council's decision notice also includes reference to policy DC62 of the DPD, however this relates to access to public buildings and therefore is not directly relevant to this main issue.

Living Conditions – Existing Occupiers

16. The side boundary of the appeal site runs parallel to the rear boundary of 258 Brentwood Road. The proposed dwelling would be off set from the boundary, but would still bring the development closer to the dwellings in Brentwood Road. The proximity of the proposed dwelling to the rear boundary would result in the enclosure of the amenity space of 258 Brentwood Road with the side elevation of the dwelling running parallel with their rear boundary.
17. Whilst 256 and 258 Brentwood Road have relatively shallow gardens in comparison to others along Brentwood Road, they currently benefit from a degree of spaciousness provided by the appeal site. As a result of the proposed development, the side elevation of the proposed dwelling would be visible to those residents resulting in the loss of this overall spaciousness.
18. 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 258 Brentwood Road and the amenity space immediately to the rear. This would fail to accord with the SPD which states that new development should be sited and designed such that there is no detriment to existing residential amenity through dominance.
19. I therefore conclude that the appeal scheme would harm the living conditions of the occupants of nearby properties, in respect of outlook. Therefore, in this regard the proposal would be contrary to policy DC61 of the DPD which states proposals will not be granted planning permission where they result in unacceptable effects on the existing properties.

Other Matters

Housing Delivery

20. 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.
21. Taking into account the current shortfall, 1 dwelling 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 and provide limited support to local services.
22. 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

23. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR