



Appeal Decision

Site visit made on 9 November 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2021

Appeal Ref: APP/B5480/W/21/3270808
26B Crow Lane, Romford RM7 0EL

- 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 Hedges against the decision of the Council of the London Borough of Havering.
 - The application Ref P0642.20, dated 7 May 2020, was refused by notice dated 20 October 2020.
 - The development proposed is the erection of 3 two bed dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether (a) the proposal would provide a satisfactory residential environment and (b) suitable access for service and delivery vehicles would be provided.

Reasons

3. The appeal site is located to the rear of a row of detached residential properties that front Crow Road, a busy local road. It is accessed via a driveway that runs between nos. 26 and 28 Crow Road with gated access into the main part of the site. The site is roughly square shaped and its boundaries are marked mainly by fencing, with a blockwork wall with timber top marking the rear, northern boundary where it adjoins an industrial estate. Industrial units are located close to this rear boundary.
4. The whole site is hard surfaced and contains a number of outbuildings, sheds and other structures. There are also a number of vehicles parked on the site, including motorhomes. I understand that previously three unauthorised mobile homes were stationed on the site which were occupied by members of the travelling community.

Residential environment

5. The proposed detached dwellings would be laid out in a row with rear elevations parallel with the northern boundary. The area to the front of the dwellings would provide vehicular access and turning / parking areas with small landscaped front gardens. Garden areas to the rear would be around 4.5 metres deep.
6. The Council's Residential Design SPD (2011) (SPD) states that the fundamental design consideration for amenity space should be its quality and usability. No

fixed standards are prescribed and considerations include outlook and sunlight. In respect of residential amenity the SPD recommends that all habitable rooms should contain at least one main room with an adequate outlook and careful orientation to maximise daylight and sunlight.

7. Although the dwellings themselves are of two bed size, they would be of full two storey height and, being located to the south, would dominate and overshadow what would be very small rear garden areas for much of the day. In addition, the close proximity of the adjoining industrial units would also have an overbearing impact.
8. I have noted the 'proximity' plan provided by the appellant which shows the relative distances and heights of the proposed dwellings and the adjoining industrial units. This demonstrates that the industrial units, which are some 6 metres from the boundary, would not result in a significant impact on daylight. However, given their height, they would nevertheless be visible above the boundary and would still have the effect of enclosing the outlook to the rear. In addition, these rear north facing windows would receive limited sunlight, albeit the ground floor would be a single large room with some light provided by the front window.
9. I consider that the proposal would provide very limited usable amenity areas of poor quality, with restricted outlook from the garden and rear windows of the proposed dwellings.
10. The Council has also raised a concern relating to the potential noise impact but I note that the Appellant provided noise assessments which demonstrated that there would be no unacceptable impact in this regard. This would appear to have been agreed by the Council's Public Protection Officer, subject to the imposition of any necessary conditions. Therefore, I am satisfied that in this regard the relationship would be acceptable.
11. Overall however, I find that the proposal would not provide an acceptable residential environment for the occupiers of the proposed dwellings. As such there would be conflict with Core Strategy Development Control Policies (2008) (CSDCP) Policy DC61 and Policy D3 of the London Plan (2021) which seek to ensure that development maintains, enhances and improves the character and appearance of the area and does not result in unacceptable overshadowing, loss of daylight/sunlight or unreasonable adverse effects by reason of noise impact and complements the amenity of the area. CSDCP Policy DC51, cited in the Council's decision notice, relates to water supply, quality and drainage and does not appear to be relevant in this context.

Access

12. The development would be served by the existing driveway which runs from Crow Road between No. 26 and 28. It is of fairly limited width, particularly where it passes between the above dwellinghouses.
13. In regard to waste and recycling collections, it is apparent that the existing arrangement whereby waste is stored on site and taken to the site frontage along Crow Road for collection could continue for the proposal. Whilst I note that the 'carry distance' is longer than normally deemed appropriate, it is an arrangement that appears to have worked successfully thus far. Therefore I

see no reason why in those circumstances it would be necessary for a refuse vehicle to enter the site.

14. In terms of emergency vehicles, whilst the Appellant suggests that it may be possible for such vehicles to access the site, no clear evidence to demonstrate this, such as swept path diagrams, has been provided. However, the Appellant suggests that suitable alternative strategies could be provided, such as sprinkler systems, and a suitable condition could be imposed to require the submission and approval of such details prior to the commencement of development.
15. Overall, I find no reason to conclude that any harm would arise in this regard and the proposal would therefore comply with CSDCP Policy DC36 which seeks to ensure that adequate servicing arrangements are provided for residential development.

Other Matters

16. The Appellant has referred to a number of other sites where it is suggested that amenity areas of a similar size and quality as that now proposed have been accepted by the Council. However, as noted by the Appellant, each site must be considered on its merits in the context of the particular circumstances. Furthermore, the examples provided all appear to be different in terms of depth and/or orientation of garden areas and relationship with adjoining buildings.
17. I have also considered the Appellant's contention that the proposal would result in a visual enhancement to the site. However, whilst the site does appear to be more intensively used than adjoining sites, it does not significantly detract from the adjoining residential area within which a number of large garden buildings are present.
18. The proposal would make a valuable contribution to the local housing supply. However, whilst the Council confirm that paragraph 11(d) of the National Planning Policy Framework applies, it is my view that the adverse impacts identified above would significantly and demonstrably outweigh the benefits.

Conclusions

19. Overall, therefore, for the reasons set out, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR