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## Appeal Decision

Site visit made on 15 November 2021

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 December 2021**

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**Appeal Ref: APP/B5480/W/21/3270603**

**210 Lyndhurst Drive, Hornchurch RM11 1JW**

- 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 Jasbir Bahl against the decision of the Council of the London Borough of Havering.
  - The application Ref P0962.20, dated 6 July 2020, was refused by notice dated 11 September 2020.
  - The development proposed is proposed two storey side extension to provide additional floor space to the existing shop and conversion of the existing 1 x 2 bedroom first floor flat into 1 x 1 bedroom and 1 x 2 bedroom self contained flats.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant's agent has confirmed that the appellant's name given on the appeal form is incorrect. I have therefore used the name stated on the planning application form in the heading above.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
4. The Council has adopted a new Local Plan 2016-2031 (the Local Plan). Both the Council and the appellant have had the opportunity to comment on this matter.
5. The Council has specified that the Core Strategy and Development Control Policies Development Plan Document 2008 (the CSDCP) referred to in the Council's Decision is not formally revoked until 29 December 2021. Based on the evidence before me, I have therefore determined this appeal with regard to both the Local Plan and the CSDCP.
6. The Council has stated that the presumption in favour of sustainable development outlined in paragraph 11(d) of the Framework is engaged due to the 2020 Housing Delivery Test results. I have not been informed that this situation has changed due to the adoption of the Local Plan, and I have therefore proceeded to determine this appeal on the basis of paragraph 11(d) of the National Planning Policy Framework (the Framework).

## **Main Issues**

7. The main issues are the effect of the proposal on:

- The character and appearance of the area; and
- The living conditions of residents with regards to amenity space.

## **Reasons**

### *Character and Appearance*

8. The appeal site is located on the corner of Lyndhurst Drive and Osborne Road. The building line along Osborne Road is well defined, and primarily consists of dwellings facing onto, but set back from, the highway. Due to its corner location, the existing site does not reflect this arrangement. The side elevation also projects slightly beyond the building line of Osborne Road, but this is not to an incongruous degree due to the set-back of a rear offshoot and the distance of the building from the highway.
9. Planning permission has previously been granted for an extension which would bring the side elevation of the building closer to Osborne Road. However, the impact on the streetscape was mitigated to a degree through the set-back of the upper floor and the stepped arrangement of the side elevation on Osborne Road.
10. The appeal proposal would include an upper floor which would not be stepped back from the ground floor, and part of the extension would project directly to the edge of the footpath. Compared to the extant planning approval, this would materially increase the bulk and massing of the upper floor and roof of the building. Due to the prominence of the corner location of the site, and the projection beyond the building line, this increase in massing would lead to an obtrusive feature projecting towards Osborne Road, even in comparison to the approved scheme.
11. The proposed two storey extension projecting to the edge of the footpath would also appear as a stark and overdominant feature in views along the streetscape. The step forward of the side elevation would also be a jarring feature which would add to the unacceptable appearance of the proposal.
12. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its design, scale and location. The proposal would therefore be contrary to the urban design requirements of policy 26 of the Local Plan and policy DC61 of the CSDCP. The proposal would also conflict with the Framework with regards to ensuring that development is sympathetic to local character.

### *Amenity Space*

13. The proposal would include a communal amenity area to the rear. This amenity space was considered to be sufficient in respect of the previously approved scheme for two 1-bedroom flats.
14. However, as well as a 1-bedroom flat, the appeal scheme would include a 2-bedroom flat which may be occupied by a family. The Council considers that the size and shared usage of the amenity space is not appropriate for this change in the proposed form of occupancy.

15. In respect of the area of space provided, the Council's Residential Design SPD<sup>1</sup> does not prescribe minimum space standards for private amenity space. However, the SPD does emphasise that the design and provision of private amenity space is particularly important in flatted schemes. The appellant submits that the proposed 2-bedroom flat would not constitute a family unit, although based on the evidence before me this flat could be occupied by a small family. It would not be appropriate to prevent the family occupation of the 2-bedroom flat by a planning condition as this would not be enforceable or reasonable, for example if the personal circumstances of the occupants change.
16. There is a significant possibility that the nature of occupation of a 2-bedroom flat would be different from that of the permitted 1-bedroom units. A small family occupying the flat could reasonably expect that private amenity space is provided, and in that regard the proposal would not provide suitable amenity space for the nature of the proposed accommodation.
17. The Council also refers to the lack of direct access to the amenity area from within the site, meaning that residents would need to access it via the public footpath. However, based on the submitted plans, an access could be provided with only a minor amendment to the scheme. This could be addressed by a condition and I consider that this would not represent a reason to withhold planning permission.
18. Notwithstanding my conclusion in respect of access, I consider that the proposal would not provide suitable private amenity space for the form of accommodation proposed, with significant harm to the living conditions of residents. The proposal would therefore be contrary to the amenity requirements of policy 7 of the Local Plan and policy DC61 of the CSDCP, as well as the advice of the SPD. The proposal would also conflict with the Framework with regards to ensuring that developments provide a high standard of amenity for future users.

### **Other Matters**

19. The appellant refers to a number of extensions in the wider area which are located close to the highway. However, I have not been provided with sufficient details of the circumstances that led to the approval of those schemes, and therefore cannot be certain that they represent a direct parallel to the appeal proposal. In any event, I have determined this appeal on its own merits.
20. The proposal would add to the supply and mix of housing in the area. However, given that planning permission is in place for two flats, the contribution to housing supply arising from the proposal would be very limited, even allowing for the Housing Delivery Test results and the provisions of the Framework which highlights the contribution small sites can make to meeting housing requirements and the efficient use of land.

### **Conclusion**

21. For the reasons given above, in respect of the main issues I conclude that the proposal would conflict with the development plan.
22. Whilst I have had regard to the benefits of the proposal, I conclude that the adverse impacts of the development would significantly and demonstrably

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<sup>1</sup> Residential Design Supplementary Planning Document 2010

outweigh the identified benefits when assessed against the policies of the Framework taken as a whole. Consequently, the proposal would not represent sustainable development and the appeal should be dismissed.

*David Cross*

INSPECTOR