



Appeal Decision

Site visit made on 28 October 2021

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

an Inspector appointed by the Secretary of State

Decision date: 29 December 2021

Appeal Ref: APP/B5480/W/21/3271247

26 Heath Park Road, Romford RM2 5UB

- 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 K Fry against the decision of the Council of the London Borough of Havering.
 - The application Ref P1773.20, dated 25 November 2020, was refused by notice dated 10 February 2021.
 - The development proposed is a three bedroom detached property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address given for the proposal differs between the planning application and appeal forms. I have taken the address as given on the planning application form as this accurately describes the location of the proposal.
3. The name of the appellant differs from that given on the planning application form. I have taken the appellant's name from the appeal form as this clarifies the previous details.
4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
5. The appellant did not submit a full Statement of Case with the initial appeal. They were requested to provide a copy of the missing document, but the document that was submitted consisted of a Design and Access Statement for a different proposal at this site. Nevertheless, I have sufficient evidence to determine this appeal, and for the avoidance of doubt I have considered this appeal on the basis of the details as set out in the heading to this decision.
6. A revised version of the National Planning Policy Framework (the Framework) and a new London Plan 2021 (the London Plan) have been published since the appeal was lodged. The Council has also adopted a new Local Plan 2016-2031 (the Local Plan). Both the Council and the appellant have had the opportunity to comment on these documents.

7. 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.
8. 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 Framework.

Main Issues

9. The main issues are the effect of the proposal on the:
 - Living conditions of neighbouring residents with regards to outlook; and
 - Character and appearance of the area.

Reasons

Living Conditions

10. The appeal proposal consists of a 2-storey dwelling located at the end of the extensive garden of the host property. It would be located in close proximity to the boundary with a neighbouring garden. Due to the scale and massing of the proposal and the proximity to the boundary, the proposed dwelling would be an oppressive and overdominant feature in views from the adjacent garden.
11. The rear gardens in the immediate area are extensive, and I observed outbuildings and planting in the area of gardens near to the appeal site. However, there is no certainty that existing features would remain in the longer term. A building of the scale proposed in such close proximity to the site boundary would lead to unacceptable harm to the outlook from the garden that neighbouring residents could reasonably expect.
12. Due to the overbearing impact identified above, I conclude that the proposal would lead to significant harm to the outlook from the neighbouring garden and as consequently significant harm to the living conditions of residents. The proposal would therefore be contrary to the amenity requirements of policies 7 and 10 of the Local Plan and policy DC61 of the CSDCP. The proposal would also conflict with the Framework with regards to ensuring that developments provide a high standard of amenity for existing and future users of properties.

Character and Appearance

13. This extent of Heath Park Road is characterised by dwellings fronting the highway with long gardens extending to the rear. The site would be served by a track which also provides vehicular access to the rear of neighbouring sites. Within this context, the proposal would appear as backland development detached from the host property.
14. There are existing substantial outbuildings located at the end of the gardens in this area, albeit of a single storey. There is also residential development to the rear of the site, as well as housing further to the east which is located to the

rear of dwellings fronting Heath Park Road. This existing development includes houses of 2-3 storeys. The introduction of residential development at the end of this extent of gardens would therefore not appear out of context with the pattern of development in this area.

15. The Council expresses concern about the effect on the established pattern of development. I acknowledge that nearby residential development may be of a more comprehensive nature with dwellings facing onto a road frontage. However, there is no strong pattern or grain of development in this area. The appeal site is of a location and extent where a bespoke housing design could sit comfortably within the site and the surrounding area, utilising the existing vehicular access. The appeal site would not be readily visible from the public realm, and even in views from nearby properties the introduction of a dwelling of a suitable scale in this location would not appear as unduly incongruous.
16. I conclude that the proposal would not harm the character and appearance of the area. The proposal would therefore not be contrary to the urban design and qualitative requirements of policy 26 of the Local Plan, policy DC61 of the CSDCP, or policy D6 of the London Plan. The proposal would also not conflict with the Framework with regards to ensuring that development is sympathetic to local character.

Other Matters

17. The proposal would add to the supply and mix of housing in the area. However, the provision of 1 dwelling would be a limited contribution to this, even allowing for the Housing Delivery Test results and the provisions of the Framework which highlights the contribution that small sized sites can make to meeting housing requirements and the efficient use of land.

Conclusion

18. Notwithstanding my conclusion in respect of character and appearance, the proposal would lead to significant harm to the living conditions of neighbouring residents with regards to outlook. On the issue of living conditions I conclude that the proposal would conflict with the development plan.
19. Whilst I have had regard to the benefits of the proposal, I conclude that the adverse impacts of the development would significantly and demonstrably 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