



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/21/3270538
268 Brentwood Road, Romford RM2 5SU

- 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 H Patel against the decision of the Council of the London Borough of Havering.
 - The application Ref P1376.20, dated 22 September 2020, was refused by notice dated 27 November 2020.
 - The development proposed is new dwelling house at land rear of 268 Brentwood Road, Romford RM2 5SU.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed and 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.
3. 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.
4. 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.
5. 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

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

- Character and appearance of the area;
- Living conditions of future residents with regards to outlook and light; and
- Living conditions of neighbouring residents with regards to outlook and privacy.

Reasons

Character and Appearance

7. Due to the location of the appeal site, the proposed dwelling would be viewed within the context of the streetscape of Cranham Road. This streetscape includes a mixture of designs of dwelling, and the proposed design of the dwelling would complement the suburban character of the area.
8. However, the building line along Cranham Road is relatively well defined. Due to the layout of the appeal proposal, the dwelling would be located in much closer proximity to the front boundary than nearby dwellings. This would contrast uncomfortably with the prevailing building line, and would give the dwelling a cramped appearance in respect of the front boundary. The dwelling would also be located in a particularly prominent location on a bend in the highway, which would exacerbate its incongruous appearance in views along Cranham Road.
9. There are buildings which project closer to the boundary with Cranham Road near to the junction with Brentwood Road, including the host property. However, this projection does not relate to the main front elevation of those buildings. On that basis, and due to the degree of separation from the appeal site, they do not set a context for the layout of the proposal.
10. The layout of the amenity area of the proposal does not reflect the prevailing pattern of development, particularly due to the proximity to the rear boundary and the location of an amenity area to the side. However, the layout in respect of the side amenity area would be similar to that of the adjoining property on Cranham Road. The proximity to the rear boundary would also not be readily apparent from the public realm. On that basis, I consider that the layout of the site in respect of the side and rear boundaries would not harm the character and appearance of the area, but this does not negate my concerns in respect of the proximity to the front boundary
11. I conclude that due to the layout of the site and particularly the proximity of the dwelling to the front boundary, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore conflict with 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.

Living Conditions - Future Residents

12. Windows and patio doors which serve the kitchen and dining area of the proposal would be located in close proximity to the rear boundary, which would consist of a 1.8m high fence.

13. Due to the proximity to the fence, the outlook for residents from these rooms would be unduly limited. This would also restrict the amount of daylight and sunlight reaching those rooms. This would lead to unacceptably oppressive and dark living conditions for residents.
14. There is some disagreement between the main parties as to the exact separation distance to the rear boundary. However, even on the basis of the 2m distance contended by the appellants, the separation to the boundary would still be inadequate to enable a suitable outlook and an appropriate amount of light to reach these rooms. The availability of open space and separation distances from other buildings would not mitigate for the identified harm.
15. I conclude that the proposal would lead to significant harm to the living conditions of future residents with regards to outlook and light. 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 future users.

Living Conditions - Neighbouring Residents

16. The rear elevation of the proposal would be located in close proximity to the boundary with the garden of 270 Brentwood Road. A first floor bedroom window of the proposed dwelling would look directly into the garden of No 270. Even allowing for the nature of the occupancy of that room, the degree of overlooking would be unduly intrusive and would lead to significant harm to the privacy that neighbouring residents could expect in their rear garden.
17. Also, due to its bulk and proximity, the proposed dwelling would have an overdominant and obtrusive effect on the outlook from the neighbouring garden.
18. I acknowledge that the proposal would have an appropriate separation distance from the dwelling at No 270, however this does not lead me to a different conclusion in respect of the harm arising to the garden of that property. A degree of overlooking and visual intrusion is also to be expected in urban areas. However, even within that context, the effect on the privacy and outlook of neighbouring residents would be unacceptable.
19. I conclude that the proposal would lead to significant harm to the living conditions of neighbouring residents in respect of outlook and privacy. 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 users of properties.

Other Matters

20. In arriving at this decision, I have taken account of the appeal decisions referred to by the appellant. However, I consider those decisions to be of limited relevance as they do not reflect the circumstances of the appeal proposal on matters including the character of the streetscape, set back from the highway and the consideration of living conditions. In any event, I have determined this appeal on its own merits.

21. The proposal would add to the supply and mix of housing in a location with good access to services. However, the provision of 1 dwelling would be a limited contribution to this, even allowing for the Housing Delivery Test results as well as the provisions of the development plan and the Framework which highlight the contribution that small sites can make to meeting housing requirements as well as the efficient use of land.

Conclusion

22. For the reasons given above, in respect of the main issues I conclude that the proposal would conflict with the development plan.
23. 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