



Appeal Decision

Site visit made on 27 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/21/3270476

150 Parsonage Road, Rainham RM13 9LB

- 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 Abdul Ghani against the decision of the Council of the London Borough of Havering.
 - The application Ref P1829.20, dated 2 December 2020, was refused by notice dated 11 February 2021.
 - The development proposed is provision of 4 terraced dwellings with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents.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.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. This is referred to in the Council's Statement of Case and the appellant has therefore had the opportunity to comment on this.
4. The Council has adopted the Local Plan 2016-2031 (the Local Plan) since the appeal was lodged. 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:

- Living conditions of neighbouring residents with regards to outlook; and
- The character and appearance of the area.

Reasons

Living Conditions

7. Planning permission has previously been granted for the construction of 4 flat-roofed dwellings on the appeal site, and I saw that construction had commenced at the time of my visit. Although the appeal proposal is a full planning application, in effect it would lead to the construction of a pitched hipped roof on the permitted terrace, which would contain a further bedroom for each dwelling.
8. The appeal site is located to the rear of dwellings on Briscoe Road. The dwellings to the east of the appeal site have relatively shallow gardens, and similarly the depth of the gardens of the proposed dwellings would also be limited. Due to this arrangement, as well as the massing and proximity of the roofs of the appeal proposal to the site boundary, the development would have an enclosing and overbearing relationship with the gardens of properties on Briscoe Road. This would lead to an unduly oppressive impact on the enjoyment of the rear gardens of the adjacent dwellings, with significant harm to the living conditions of residents.
9. I acknowledge that pitched roofs are a common feature and that the roofs would slope back from the boundary. However, the bulk and massing of the pitched roofs would still lead to an over-dominant relationship with neighbouring gardens due to the relative arrangement of the properties. The approved scheme also included chimneys projecting above the flat roofs of the dwellings, although these were intermittent features and do not establish a precedent for the scale and massing of the roofs of the appeal proposal.
10. The appellant sets out that private views are not material planning considerations. However, that does not mean that the effect of a proposal on the outlook from neighbouring properties should be ignored. It is in the public interest that development proposals should not have an unacceptable effect on the outlook from nearby properties and I have assessed the proposal on that basis.
11. I conclude that the proposal would lead to significant harm to the living conditions of neighbouring residents with regards to outlook, and would conflict with the amenity requirements of policies 7 and 10 of the Local Plan. 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.
12. Policy DC61 of the CSDCP does not specifically refer to outlook, and I note that the proposal would meet other elements of this policy with regards to light and privacy. I have also had regard to the Daylight/Sunlight Report submitted by the appellant which concludes that the proposed development would have no material impact on either daylight or sunlight levels in neighbouring properties.

However, consideration of these matters does not lead me to a different conclusion on the issue of outlook.

Character and Appearance

13. The area consists of a pleasant suburban estate which does not have a clear pattern of development and which contains dwellings of various designs. There are examples of backland development in the area, including to the south of the site.
14. The pitched roofs of the proposal would increase the visibility of the scheme from the surrounding area. However, given the variety of housing designs and layouts in the area, the appeal proposal would not appear to be unduly incongruous. More specifically, the proposal would respect the general alignment, design and layout of development to the south of the site.
15. I therefore 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 requirements of policy 26 of the Local Plan or policy DC61 of the CSDCP. The proposal would also not conflict with the Framework with regards to ensuring that development is sympathetic to local character.

Other Matters

16. The proposal would contribute to the supply of housing in the area on previously developed land in a sustainable location. The proposal would also lead to economic benefits during the construction phase and residents would support local services. However, given that 4 dwellings have previously been permitted on the site these benefits carry no more than limited weight in favour of the appeal. The proposal would increase the amount of accommodation provided by the development, but there is no evidence of an overriding requirement for this form of accommodation, and this therefore carries only limited weight in favour of the proposal.
17. Reference has been made to a number of other policies of the Local Plan in respect of housing supply, transport connections, parking, landscaping and pollution. Whilst the proposal may not conflict with these policies, this does not negate my conclusions on the main issue of living conditions.
18. I have had regard to an appeal decision¹ in the vicinity of the site referred to by the appellant. However, based on what I have seen and read, this does not represent a direct parallel to the appeal before me in respect of the matter of living conditions. In any event, I have determined this appeal on its own merits.

Conclusion

19. 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.
20. Overall, 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

¹ Appeal Ref: APP/B5480/A/08/2073597

proposal would not represent sustainable development and the appeal should be dismissed.

David Cross

INSPECTOR