



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/21/3269334
316 South End Road, Rainham RM13 7YD

- 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 Stuart Knight against the decision of the Council of the London Borough of Havering.
 - The application Ref P1717.20, dated 26 October 2020, was refused by notice dated 13 January 2021.
 - The development proposed is two storey, 3-bed semi-detached dwelling with associated parking and amenity space, involving demolition of existing extension to no. 316.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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 The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents.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) 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 in this appeal are the effect of the proposal on the:
- Character and appearance of the area; and
 - Living conditions of residents of 12 Esmond Close with regards to outlook, light and privacy.

Reasons

Character and Appearance

7. The appeal site is located in a pleasant suburban area which contains a mixture of designs of dwellings. The proposed dwelling would be within an extension constructed to the side of the host property and which would also project forward of the main elevation of the building. Although the host property has the appearance of a semi-detached dwelling, it is actually part of a linked terrace of properties which step back from the highway. To that extent, the proposal could be viewed as reflecting the stepped arrangement of nearby buildings within the streetscape.
8. However, the proposal would be located in close proximity to the edge of the highway and would appear as a prominent and constrained feature in views along the streetscape. This harm would be exacerbated due to the mixture of roof designs on the extension, which would appear as contrived and awkward additions to the hipped roof of the existing building. Whilst the proposal would create an active frontage compared to the existing boundary wall, this does not outweigh my concerns regarding the scale of the proposed dwelling and its proximity to the boundary.
9. The appellant has referred to examples of similar designs in the vicinity of the appeal site. This includes sites at 2 and 12 Mungo Park Road which are part of a terrace directly opposite the site, and which include roofs which differ from the original terrace design. However, these extensions are not as prominent within the streetscape as they do not project forward of the main front elevation of the terrace and are set an appropriate distance back from South End Road. That said, the extension at No 12 served to confirm the awkward appearance which can result from differing roof designs, as does the example at 103 Mungo Park Road. These and other examples referred to by the appellant do not lead me to a different conclusion in respect of the awkward and incongruous design of the proposal.
10. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its design 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.

Living Conditions

11. The stepped rear elevation of the proposal would be located in close proximity to the boundary with 12 Esmond Close.
12. The Council Officer's report refers to an oppressive relationship between the appeal proposal and the garden area of No 12, and comments raised locally

also refer to this and loss of light. The appeal proposal would introduce a two-storey building in close proximity to the boundary with No 12. Due to this proximity combined with the scale and massing of the proposal, this would have an over dominant and oppressive impact on the outlook from the garden and conservatory of No 12. Due to the arrangement of the properties, the proposal would be unlikely to lead to a significant loss of direct sunlight to No 12; but as a result of its scale and proximity the proposal would lead to a loss of daylight which would add to the oppressive relationship with No 12.

13. The upper windows off the proposal would enable a view directly into the property of No 12, which could lead to an intrusive degree of overlooking of the amenity area and a conservatory. However, most of the upper windows serve a landing and bath/shower rooms and overlooking could be addressed through a condition requiring obscure glazing for those rooms. A further upper floor window would serve a bedroom, and usually it would not be appropriate to require obscure glazing for such a room. However, the bedroom would be served by other windows, and a condition requiring the use of obscure glazing would be reasonable in this instance. I also note that the installation of obscure glazing is indicated on the submitted plans. Subject to appropriate conditions, I conclude that the proposal would not lead to unacceptable loss of privacy to neighbouring residents.
14. Notwithstanding my conclusions in respect of privacy and sunlight, I conclude that the proposal would lead to substantial harm to the living conditions of residents of No 12 with regards to outlook and loss of daylight. 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.

Other Matters

15. 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 as well as the Framework which highlights the contribution that small sites can make to meeting housing requirements and the efficient use of land.
16. I note the frustrations expressed by the appellant in relation to the advice from the Council and the decision process leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Conclusion

17. For the reasons given above, in respect of the main issues I conclude that the proposal would conflict with the development plan.
18. 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