
Appeal Decision

Site visit made on 9 December 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

Appeal Ref: APP/B5480/W/21/3274969

18 Herbert Road, Hornchurch RM11 3LD

- 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 M P Architects LLP against the decision of the Council of the London Borough of Havering.
 - The application Ref P0192.21, dated 26 January 2021, was refused by notice dated 16 April 2021.
 - The development proposed is for the demolition of the existing dwelling and outbuildings and construction of two detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and outbuildings and construction of two detached dwellings at 18 Herbert Road, Hornchurch RM11 3LD in accordance with the terms of the application Ref P0192.21, dated 26 January 2021, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. Since the determination of the application by the Council the Havering Local Plan November 2021 (LP) has been adopted. This has superseded all policies contained in the Council's Core Strategy and Development Control Policies Development Plan Document (2008). I have determined the appeal on the basis of the newly adopted LP.

Main Issues

3. The main issues are the effect of the development on (a) the character and appearance of the area; and (b) the living conditions of the occupants of 20 Herbert Road having regard to light, outlook and overbearing impact.

Reasons

Character and appearance

4. The appeal site consists of a two-storey, detached dwelling with several outbuildings occupying a corner plot on the junction between Herbert Road and Maybush Road. The neighbourhood is characterised by detached dwellings of various styles and designs set within relatively large plots. It is situated in the Emerson Park Policy Area, which is covered by a Supplementary Planning Document 2009 (SPD).

5. The SPD states that Emerson Park is one of the most mature and pleasant residential districts in the Borough. It has a distinctive character of varied and well maintained single family detached dwellings in spacious and well landscaped grounds. The guidance criteria within all sectors of Emerson Park requires that, amongst other things, the massing and architectural character of development, and the resultant space between adjacent buildings, should be compatible with the character of the local street scene and maintain the varied character.
6. The site is situated within Sector 6 of the PA. Amongst other things, new dwellings in the sector should be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties; be of detached, single family, large and architecturally varied dwellings; and provide a minimum plot width of 23 metres, which should be achieved at both the road frontage and building line.
7. The advice goes on to state that in relation to new dwellings and the resultant space between buildings, each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained. In every case, the space that is retained between buildings should reflect the character of the street scene in the immediate surroundings. No part of any new building to an existing building will be permitted to be built within a minimum of 1 metre from an adjoining common party boundary at ground floor, or 2 metres at first floor.
8. I consider that the proposal would represent infill development equivalent to immediately surrounding properties and comprise detached, single family, large and architecturally varied dwellings. To my mind, these would contribute to the multifaceted character of the area and therefore accord with the SPD in maintaining a varied street scene.
9. In terms of space separation, the proposed dwellings would be set in a minimum of 2 metres from the side boundaries of the site, which is in accordance with the SPD. The central gap between the new properties, at some 4 metres, would broadly reflect the character of the street scene in the immediate surroundings.
10. I am aware that the width of plot 2 of the appeal scheme would be some 19 metres, which is narrower than the advice in the SPD. Nonetheless, at my site visit I observed a number of other dwellings with plot widths of similar scale to that proposed. I acknowledge that these may pre-date the Council's current adopted guidelines. However, in my view these also form part of the established, varied character and appearance of the streetscene, and the proposal is consistent within this context. Given this reasoning, and that in all other respects I consider that the development would meet the guidance contained in the SPD, I am satisfied that the width of plot 2 would not sufficiently harmful as to warrant dismissal of the appeal on this ground.
11. I conclude that the proposal would not result in harm to the character and appearance of the dwelling and the local area. It would accord with the provisions of Policies 7 and 26 of the Havering Local Plan 2021 (LP) and the SPD, which seek to secure new development of acceptable scale and appearance.

Living conditions

12. The existing neighbouring property at 20 Herbert Road is positioned broadly to the east of the appeal site, with the dwelling itself slightly angled away from the development. The rear gardens of the plots face south. There is an existing, single storey detached garage that lies within the appeal site on the common boundary with no. 20.
13. The proposed unit on plot 2 would project further to the rear than the detached garage, yet would be set in from the common boundary by some 2 metres. The first floor level would also be set back such that it is in general alignment with the hindmost elevation of no. 20.
14. Taken in the round, I consider that the proposal would not significantly increase the size and scale of development facing 20 Herbert Road. Given the relationship between plot 2 and no. 20, the levels of sunlight and daylight reaching the neighbouring property and curtilage would not be materially affected above and over the present state of affairs. The outlook from the windows and garden area of the adjacent house would be preserved, and intervening boundary planting would ensure the retention of the existing sylvan garden environments.
15. I therefore conclude that the proposal would not cause harm to the living conditions of the occupants of 20 Herbert Road having regard to light, outlook and overbearing impact. It would comply with policy 7 of the LP that seeks to protect the amenity of existing residents.

Conditions

16. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, the approved plans are listed for certainty. To ensure a satisfactory appearance I impose conditions requiring the submission of external materials to the dwellings and hardstanding areas, together with details of soft landscaping and boundary treatments.
17. If any gas boilers are proposed for the site, they would need to comply with the NO_x emission limits, and a condition is imposed in the respect. Conditions relating to car parking, vehicular crossovers, cycle parking, refuse and recycling storage, water efficiency measures and accessibility for those with impaired mobility are necessary to ensure provision of such elements on the site. A restriction on the hours of construction work, and a Construction Management Plan (including provision for vehicle cleansing and wheel washing) are necessary to safeguard the living conditions of nearby residents.
18. Obscure glazing to the first floor flank windows and conditions preventing further openings and balconies would protect the living conditions of the occupants of the existing and proposed dwellings. I do not consider it necessary to require obscure glazing to the east-facing rooflights, as these are high level and would afford views primarily of the sky, and would not be likely to result in a loss of privacy.
19. Given the size of the individual plots and the close relationship between themselves and surrounding dwellings, removing Classes A, B and E permitted

development rights is both reasonable and necessary in serving the interests of protecting the living conditions of neighbouring occupiers and in safeguarding the character of the area.

Conclusion

20. Having regard to all matters raised, the appeal should be allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2352 01 A, 2352 10 F, 2352 11 E, 2352 12 D, 2352 13 A
- 3) Except for demolition, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) No development above slab level shall commence until there shall have been submitted to and approved in writing by the LPA a scheme of soft landscaping and boundary treatments.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Prior to the first occupation of the development a scheme for the specification of boilers to be installed in the scheme shall be submitted and agreed in writing. The scheme shall set out measures to demonstrate that the rated emissions of Oxides of Nitrogen (NOx) would not exceed 40 mg/kWh. The details shall be implemented as agreed and retained thereafter.
- 6) No dwelling shall be occupied until the car parking areas and vehicular crossovers have been provided in accordance with drawing no. 2352 10 F and shall be kept available thereafter.
- 7) The development shall not be occupied until details of the proposed refuse and recycling storage facilities have been submitted to and approved in writing by

the LPA. Development shall be carried out in accordance with the approved details prior to occupation of the units and retained thereafter.

- 8) The development shall not be occupied until details of the proposed bicycle parking facilities have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details prior to occupation of the units and retained thereafter.
- 9) The dwellings shall not be occupied until the Building Regulations Optional requirement G2 – Water efficiency (2015 edition) - has been complied with. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 10) The dwellings shall be designed and constructed to comply with the full requirements of Approved Document M - Access to and use of buildings; Volume 2 - Buildings other than dwellings of the Building Regulations 2010. Thereafter the units shall be permanently retained in this form thereafter.
- 11) No demolition or construction work shall take place on the site except between the hours of 08:00 hours and 18:00 hours on Mondays to Fridays and between 09:00 hours and 13:00 hours on Saturdays and no work shall take place on Sundays and public holidays.
- 12) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) vehicle cleansing and wheel washing facilities;
 - f) measures to control the emission of noise, dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) delivery, demolition and construction working hours; and
 - i) site contact details in case of incident.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 13) Notwithstanding the provisions of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plans) shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of

the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

- 14) The proposed first floor windows serving en-suites in the eastern and western elevations of the proposed dwelling in Plot 2 (as shown on drawing no. 2352 12 D) and the two first floor windows serving en-suites in the eastern elevation of the proposed dwelling in Plot 1 (as shown on drawing no. 2352 11 E) hereby permitted shall be fitted with obscured glazing (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority), and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 15) The roof areas of the single storey rear projections of the proposed dwellings hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
- 16) No extension, enlargement, alteration or provision within the curtilage of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the LPA.