



Appeal Decision

Site visit made on 14 December 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/B5480/W/21/3275279

24 and 26 Brooklands Gardens, Hornchurch RM11 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Robert Youngs against the decision of the Council of the London Borough of Havering.
 - The application Ref P1683.20, dated 12 November 2020, was refused by notice dated 23 April 2021.
 - The development proposed is extension of 24 and 26 Brooklands Gardens plus installation of a single dwelling on land belonging to and located between 24 and 26 Brooklands Gardens, Hornchurch RM11 2AE.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with the matters of access, appearance, layout and scale to be determined at this stage. Only the matter of landscaping is reserved. I have dealt with the appeal on this basis.
3. The Council adopted the new Havering Local Plan (2016 to 2031) (the HLP) on 17 November 2021, during the appeal process, replacing The Core Strategy and Development Control Policies DPD (2008) which has been withdrawn. I have therefore had regard only to the relevant policies of the HLP in determining the appeal. The main parties have been afforded the opportunity to comment on this material change in the policy context, and I have taken the replies received into consideration.
4. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results, which show the Council's delivery has continued to be below the requirement over the last three years (at 46%), and the Council remains under the 'presumption' status as it was following publication of the 2020 HDT results. I have had regard to comments from the Council in anticipation of the HDT result, but the published results do not materially change the Council's position, nor do they have any implications for the parties' respective arguments at appeal. Therefore, whilst I have taken account of comments already received, it has not been necessary to seek the parties' further views in this matter.

Main Issues

5. The main issues in this case are:
 - i) The effect of the proposal on the character and appearance of the area;

- ii) The effect on the living conditions of neighbouring occupants, with respect to outlook, light, overbearing and sense of enclosure; and
- iii) The effect of the proposal on an existing street tree.

Reasons

Character and Appearance

6. The appeal relates to two semi-detached dwellings, adjacent to each other but forming part of two separate terraces to the western side of Brooklands Gardens in an area of established suburban residential character. A broad gap between the dwellings contains a detached shed within the grounds of No 24 and a lean-to side extension to No 26. The land falls away considerably at the rear, resulting in the rear ground floor levels being raised above the gardens.
7. The proposal seeks to infill the gap with a further dwelling. As the gap is wider than the width of either existing dwelling, both No 24 and No 26 would be widened slightly to create three terraced dwellings of equal width. There would be additional extensions to the rear at lower ground, ground and first floor levels, the lower ground level extending to basement floors under each dwelling. Full width rear dormers and smaller front dormers are proposed at roof level of each dwelling.
8. The western side of the street is composed of semi-detached pairs to the northern end, and then a series of short terraces, each containing four to six dwellings. Some of the gaps between the terraces have been partially enclosed by side extensions, such as between Nos 12 and 14 and Nos 36 and 38, but a physical gap has been maintained, and the terraces are still read as separate entities. Where the gaps between the semi-detached pairs to the northern end have been infilled, the extensions have been recessed behind the front elevations to maintain legibility of the pairs and the rhythm of the built form.
9. The proposal, in contrast, would infill the gap in its entirety and the proposed dwelling would continue the front building line of Nos 24 and 26. The existing gap provides physical and visual relief amid the built form, helping to define the size of the terraces and the overall scale of the street. As a result of the proposal, there would be a single terrace some 13 dwellings long that would upset the established pattern and massing of development. This pattern would be further altered by the proposed widening of Nos 24 and 26. Along with the proposed dwelling, it would result in three dwellings to the centre of the terrace being visibly wider than the others in the group, with the offset front doors a clear indicator of this difference in width. This would add to the incongruous appearance of the proposed development within the street scene.
10. The proposal includes the introduction of six dormer windows across the three front roof slopes. I saw that dormer windows in general are not an established feature of the street, with only isolated examples of smaller dormers at Nos 42 and 44, and a large dormer to No 18, within the same views as the appeal site. The addition of six dormers in a row across three roofs would therefore be uncharacteristic of the wider street scene. Moreover, the dormer windows would create a visible third floor to the dwellings which would harmfully increase their scale relative to the surrounding two storey dwellings which characterise the street. This greater scale of three consecutive dwellings would

render them highly prominent and conspicuous in the street scene, with a harmful cumulative effect on the character and appearance of the area.

11. To the rear, the dwellings stand prominently above the lower rear garden levels, and there are clear views across many properties from the gardens where the pattern of development can be seen and understood. I saw most properties have shallow, single storey extensions to rear ground floor level, many leading to raised balconies. Isolated examples of two storey extensions exist at No 2 to the north and No 44 to the south, both of which are end-of-terrace properties with gaps to the side of the extensions.
12. The proposed rear extensions would be substantial in scale. They would extend from the lower ground floor level which would necessitate excavation to lower the garden level. The extensions would span the full width of each dwelling at lower ground and ground floor levels, and also at first floor level for the proposed dwelling to the centre, whilst the first floor levels to Nos 24 and 26 would be set in some 3 metres from the respective boundaries with Nos 22 and 28. At roof level, three full width dormers would extend continuously across the roof line of the dwellings.
13. These extensions would form a single, homogeneous mass to the rear of the dwellings that would be physically and visually dominant within the wider vista at the rear of the properties. Individually and cumulatively, they would be significantly larger than neighbouring, single storey extensions. Their scale would be exacerbated by the excavation to lower ground floor level. This would be an uncharacteristic feature that would be clearly visible from neighbouring rear gardens and adjacent balconies and would, in effect, create four storey elevations at the rear. The expansive window openings to lower ground and ground floor levels would also be substantially wider than any neighbouring properties, and would reinforce the excessive scale of the extensions relative to the surrounding context.
14. I saw that rear dormers are present on a number of dwellings, appearing more frequently than front dormers. This includes three dormers in a row at Nos 2, 4 and 6, and nearby examples at Nos 18 and 20. Given this context, the principle of rear dormer windows would be acceptable. However, the dormers would be substantial in size, and would adjoin each other in a single structure spanning across three roofs, the only articulation being a slight step down in level for the dormer at No 26 due to the fall in ground level. There would be a lack of definition between the new dwelling and No 24 and a clear horizontal emphasis to the overall roofline that would exacerbate the lack of articulation and the horizontal emphasis to the lower floors, in stark contrast to the narrow, vertical form of the existing buildings.
15. This lack of separation and overall scale would be contrary to the guidance of the Council's Residential Extensions and Alterations Supplementary Planning Document (the REA SPD) (March 2011) which sets out that dormer windows should be contained well within the body of the roof, by being set well back from the eaves, and by setting the sides well in from any gables or party walls. Moreover, the dormers would contribute to the excessive overall scale of the dwellings at the rear when viewed in combination with the proposed rear extensions.
16. For these reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area, in conflict with

Policy 26 of the HLP, which requires development to achieve high quality design that, among other things, respects, reinforces and complements the local street scene; responds to distinctive local building forms and patterns of development and respects the visual integrity and established scale, massing and rhythm of the building, frontages, group of buildings or the building line and height of the surrounding physical context.

Neighbours' Living Conditions

17. The Council's concern relates to the proposed extension to No 24 and its perceived effect on the living conditions of occupants of No 22. The extension at ground floor level would align with the ground floor level of No 22, which has a raised terrace in common with other dwellings in the street. The terraces of Nos 22 and 24 are divided by a solid fence of around 1.8 metres height, with French doors and a smaller window to the rear ground floor of No 22.
18. The proposed extension would be some 3 metres in depth along the shared boundary, and some three metres in height to the eaves, and 3.7 metres to the top of the lean-to roof. The REA SPD sets out that terraced houses can be extended from the rear wall of the original dwelling by up to 3 metres in depth, as a general rule, but that the total height should be limited to 3 metres to ensure no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight.
19. The extension in this case would be located directly to the south of the terrace at No 22. Although its depth would accord with the REA SPD, its height would exceed the guidance by up to 700mm. Given the sloping nature of the roof, this additional massing would not be significant, but the position of the extension on the shared boundary means that it would still have an enclosing effect, with the outlook lost to the south from the terrace and the rear windows. The first floor element of the extension would also be visible from the rear terrace of No 22, which would add to the overbearing effect for neighbouring occupants. I accept, however, that there would remain views rearward over the gardens, which would reduce the degree to which outlook for neighbouring occupants would be lost.
20. The size of the extension and its position to the south of No 22 means there would be potential for loss of sunlight and daylight to the terrace and rear ground floor windows. The two storey part of the rear extension would also add to the potential for increased shadowing of the neighbouring dwelling. However, the dimensions of the extension on the boundary would not significantly exceed those recommended in the REA SPD, and there would still be an open aspect to the west and south-west where good levels of light would be received, which would reduce the degree of harm in this respect.
21. Whilst the individual harm arising from loss of outlook and light, and increased enclosure and shadowing would not be severe, these effects would be experienced simultaneously, and I consider that the cumulative effects of reduced outlook, sunlight and daylight and increased sense of enclosure and overshadowing would be harmful to the living conditions of neighbouring occupants. This would conflict with Policy 7 of the HLP which requires development to be of a high design quality that ensures that the amenity and quality of life of existing and future residents is not adversely impacted, and does not result in unacceptable loss of outlook, daylight or sunlight.

Effect on Street Tree

22. The proposal includes the provision of off-street parking to the front of the dwellings. The Council argues that this would require the removal of a street tree contrary to development plan policy and guidance. The appellants indicate the intention is not to remove the tree and provides a plan showing the proposed parking layout with two spaces for each dwelling, arranged perpendicular to the front elevations.
23. I saw that the street tree stands directly in front of No 26, with the proposed parking plan showing one space accessed to either side of the tree. However, I saw that, in general, the depth of the front drives along Brooklands Gardens was not sufficient to park cars perpendicular to the dwellings. Rather, most cars were parked diagonally across the drive, or parallel to the dwelling. Indeed, the appellants appear to accept there is a shortfall in depth, as it is proposed to cantilever the ground floor bay windows to gain a few extra centimetres of depth.
24. This physical arrangement means cars would be parked tight to the front walls of the dwellings, and seemingly up against the front door in the case of No 26. Even then, longer cars or vans are likely to still overhang the footpath. More concerning, however, is that the layout would be extremely tight in terms of accessing the spaces past the street tree. I have had regard to the various calculations put forward by the appellants to demonstrate that access could be achieved. However, the proposed plan shows only 2.4 metres of space to either side, the width of a parking space, and even then, one space is tight to the side boundary with No 28. Cars would have to squeeze past the street tree and side boundary with little to no margin for error. From my observations on site, there would be significant risk of vehicles clipping the tree when entering or leaving the site. Such an arrangement would almost certainly lead to pressure on the Council to remove the tree which provides visual amenity value that would in turn harm the character and appearance of the area.
25. The loss of the tree would conflict with the aforementioned design requirements of Policy 26 of the HLP, and with Policy 27 which requires that proposals retain and enhance existing landscape features that contribute positively to the setting and character of the local area. There would also be conflict with Policy 2 of the Council's Tree Strategy 2009-2019, which sets out that requests for tree removal will be refused unless the tree is, among other things, deemed to be in a hazardous condition or causing significant damage to the highway infrastructure.

Other Material Considerations

26. The appellants state that much of the proposed works could be undertaken under permitted development (PD). However, given the unified nature of the proposal, I cannot be certain that individual elements would amount to PD. In addition, PD rights would only apply to the existing dwellings, and not to the construction of the proposed infill dwelling, and I have no evidence to suggest that the appellants are likely to pursue such works as an alternative. Therefore, I consider that development under PD does not represent a realistic fall-back position in this case, and I afford this consideration limited weight.
27. The Council concedes that due to its failure to meet the requirements of the HDT, the 'tilted balance' set out at Paragraph 11 of the National Planning Policy

Framework (the Framework) is engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

28. The proposal would deliver an additional family-sized dwelling for the Borough's housing stock. Given the shortfall in housing delivery in Havering, and the housing aims of the HLP, this would be a benefit of the proposal. However, a single dwelling would make a very modest contribution to the overall housing target and therefore would attract only limited weight in favour of the proposal.
29. There would be benefits arising from the economic activity generated for the local building trade in implementing the development, and from engagement by future occupants in the local economy. However, given the scale of the development, such benefits would attract limited weight.
30. The Council did not refuse the application on the basis of the standard of accommodation provided or flood risk. On the evidence before me, I have no compelling reasons to conclude otherwise. However, these are neutral factors weighing neither for nor against the proposal.
31. I have had regard to other concerns raised by interested parties. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues and, taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.
32. The appellants question the volume of objections received, the motivations of objectors and the subsequent judgement of the Council in refusing permission. Such matters are not relevant to my considerations, which have been limited to the planning merits of the proposal. Any dissatisfaction with the Council's handling of the application is a matter for local government accountability.

Planning Balance and Conclusion

33. The identified benefits in this case from the additional housing and associated economic activity would attract limited weight in favour of the proposal. Set against this, the development would result in significant harm to the character and appearance of the area and to neighbours' living conditions. Overall, I conclude that the adverse impacts I have found would significantly and demonstrably outweigh the limited benefits identified. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by Paragraph 11 of the Framework.
34. For the reasons given, the proposal would conflict with the development plan, taken as a whole. I afford significant weight to this conflict. Material considerations in this case, including the Framework, do not indicate this appeal should be decided other than in accordance with the development plan.
35. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR