



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: 28/01/2022

Appeal Ref: APP/B5480/W/21/3270202

Land North of Cavendish Avenue, Hornchurch RM12 5NR

- 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 Anchor Hannover Group against the decision of the Council of the London Borough of Havering.
 - The application Ref P1218.20, dated 21 August 2020, was refused by notice dated 17 February 2021.
 - The development proposed is the erection of two blocks each 3 storeys; Block A will comprise 12 self contained units and block B provides 9 self contained units plus a community hall and a manager's office. The proposal will include landscaping and 6 additional parking spaces as well as scooter charging points. The dwelling units will provide accommodation for over 55's on affordable rent.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a unilateral undertaking (UU) in respect of affordable housing provision, carbon offset contribution and the ages of occupants of the proposal. I note the limitations of the appellants in respect of the UU and their status as a registered social housing provider. However, the release of the charges has been agreed in principle and the appellants and the Council have agreed a condition in relation to the completion and execution of a UU, which would give sufficient comfort on this matter. I have therefore given full weight to the UU in my consideration of this appeal.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents.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.
4. 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), and the Core Strategy and Development Control Policies Development Plan Document 2008 referred to in the Council's Decision has been formally revoked. Both the Council and the appellant have had the opportunity to comment on these matters.

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 (HDT) results. The 2021 HDT results were published on 14 January 2022, and these state that the presumption in favour of sustainable development in the Council's area remains in place and indicate that there has not been a significant improvement in the measurement of housing delivery. The Council has stated that it was seeking clarity on the impact of the Local Plan stepped housing targets on the HDT, but I have not been informed that this situation has changed due to the adoption of the Local Plan. I have therefore proceeded to determine this appeal on the basis of paragraph 11(d) of the National Planning Policy Framework (the Framework).

Main Issues

6. The main issues are the effect of the proposal on the:
- Character and appearance of the area, with due regard to protected trees;
 - Living conditions of nearby residents with regards to privacy; and
 - Housing supply, with due regard to specialist and affordable housing.

Reasons

Character and Appearance

7. The proposed buildings would be located on an area of open space between existing accommodation blocks within the site and Cavendish Avenue. Although this area is mainly laid to grass, it makes an important contribution to the open and spacious setting of the buildings.
8. Of particular importance are a number of trees extending along the front of the site which, when viewed in conjunction of trees within the gardens of the dwellings opposite, lead to an attractive tree-lined avenue character for this extent of road leading into the residential estate. The trees stand in open surroundings which enhance their significance and amenity value. They are covered by a Tree Preservation Order (TPO) which emphasises that these mature distinctive trees were formally planted as part of the landscape for the estate.
9. The proposed blocks would be of a modern design and extend to three storeys high. The elevation of the uppermost storey would slope back from the main elevation and would use different materials. The proposed blocks would also be of a similar height to the existing buildings on the site. However, the blocks would be located in close proximity to the front of the site adjacent to Cavendish Avenue and would be obtrusive features detracting from the existing open character of the streetscape. Despite the treatment of the upper floors, these include a limited set-back which would not be sufficient to reduce the bulk and massing of the blocks and would not reflect the roof forms of nearby buildings. Due to this siting, massing and design, the blocks would appear as unacceptably obtrusive and enclosing features in views along Cavendish Avenue, with substantial harm to the streetscape. This would contrast uncomfortably with the tree-lined open character of the domestic gardens opposite the site.

10. I acknowledge that the design of the blocks attempts to replicate some features of the existing buildings on the site, such as projecting bays. The design also attempts to break up the frontage through the use of materials and other design features. However, given the scale and location of the blocks, such measures would have minimal effect in reducing the overbearing appearance of the proposal within the streetscape.
11. There are elements of the existing buildings which project towards Cavendish Avenue. However, these extend across a limited area of the site frontage, and due to the use of pitched roofs they do not appear as obtrusive features within the streetscape or detract from its open tree-lined appearance.
12. The proposal would introduce significantly more trees onto the site compared to those that would be removed. However, the new trees planted along the frontage of the site would be in close proximity to the buildings which would limit their future growth and extent of canopy. As a result the trees would not replicate the current open setting of trees along the streetscape and would appear as cramped and hemmed in between the blocks and the highway. A number of new trees would be located to the rear of the proposed blocks and would therefore not make a significant contribution to the streetscape of Cavendish Avenue. Paragraph 131 of the Framework emphasises the importance of tree-lined streets, and the cramped nature of the proposed trees along the frontage would be of minimal effect in meeting this policy.
13. Even allowing for the quality of some of the trees to be removed, the new tree planting would not compensate for the loss of visual amenity arising from the removal of protected trees and the loss of the open setting which makes a significant contribution to the formal avenue planting. Whilst some existing trees would be retained along the site frontage, their amenity value would be significantly reduced due to the loss of other trees which contribute to the amenity value of this tree-lined avenue.
14. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its design, location and the loss of protected trees. The proposal would therefore conflict with the urban design and landscaping requirements of policies 26 and 27 of the Local Plan. The proposal would also be contrary to the policies of the Framework in respect of achieving well-designed places.

Living Conditions

15. A number of apartments in the block on 'Site A' would look onto the side and rear garden of 8 Cavendish Avenue. A degree of overlooking of private gardens in urban areas is not unusual, and the garden for No 8 is relatively large with an area that extends around the side of the dwelling. However, despite separation by the intervening highway, the amenity areas of the upper flats would enable an elevated and wide-angled view into the private garden of No 8. Due to the proximity and nature of the view, this would lead to unacceptable harm to the privacy that residents of No 8 could reasonably expect. Whilst there are no windows on the side elevation of No 8 facing the appeal site, this would not negate the harm to the privacy of the garden.
16. With regards to the existing accommodation in the appeal site, the internal layout of the proposed buildings has been arranged to minimise windows of habitable rooms looking directly onto each other. However, the separation

distance between the existing and proposed accommodation would generally be less than 18m, and in some locations significantly less. Due to this proximity, the appeal proposal would enable an intrusive degree of intervisibility between bedroom windows to the rear of the proposed blocks and the windows of existing accommodation. Even allowing for the nature of occupation of bedrooms and the offset nature of the views from them, due to the proximity of the buildings and the windows they contain this would lead to significant harm to the privacy of residents in the existing accommodation.

17. I conclude that the proposal would lead to significant harm to the living conditions of nearby residents with regards to privacy, and would therefore conflict with the amenity requirements of policy 7 of the Local Plan. The proposal would also conflict with the Framework which seeks to ensure a high standard of amenity for existing residents.

Housing Supply

18. The appellant's Planning Policy Assessment identifies a clear need for additional affordable rent accommodation for over 55's to be provided in the Council's area. This is further evidenced by the appellant's waiting lists for this form of accommodation. I am also mindful that people moving into this accommodation may ensure that larger dwellings become available to the wider community.
19. Policy 3 of the Local Plan seeks to ensure an adequate supply of high quality housing in the Borough. The proposal would deliver 21 apartments on previously developed land (PDL) with good access to services and facilities. The appellants emphasise the low delivery of housing in the Council's area. As stated previously, the 2021 HDT results indicate that there has not been a significant improvement in the Council's delivery of housing. On that basis, the contribution of the proposal to the supply of housing would carry significant weight in favour of the appeal, even given the modest number of new dwellings.
20. Policies 4 and 6 of the Local Plan support the provision of affordable housing and specialist accommodation. The proposal would provide accommodation for people aged over 55 on an affordable rent. Given the evidence before me of a clear need for specialist and affordable housing of the type proposed, these policies of the Local Plan weigh heavily in favour of the appeal.
21. Policies H1, H4, H6 and H10 of the London Plan also emphasise the importance of increasing housing supply on PDL as well as the delivery of affordable housing of a tenure and mix that meets local housing needs. The proposal would meet these policy requirements, and indeed would exceed the minimum affordable housing requirements set out within the London Plan.
22. The proposal would therefore comply with policies 3, 4 and 6 of the Local Plan in respect of housing supply, affordable housing and specialist accommodation on PDL. For the same reasons, the proposal would also comply with policies H1, H4, H6 and H10 of the London Plan, and in certain respects would exceed the minimum requirements of these policies. The proposal would also meet the requirements of the Framework which seeks to support the Government's objective of significantly boosting the supply of homes and addressing the needs of groups with specific housing requirements. Taken together, the contribution to the supply of housing as well as specialist and affordable accommodation carry significant weight in favour of the appeal.

Other Matters

23. Whilst the site may currently have little biodiversity value, the potential for biodiversity improvements would be of limited benefit due to the scale and nature of the proposal. Given my conclusions in respect of character and appearance, I also conclude that landscaping proposals would not represent an enhancement to the area.
24. The proposal would improve facilities within the communal open areas, including new courtyards. However, I saw that the existing open areas provided an attractive setting for residents and that they made use of these areas for social interaction. The proposal would also include a community hall and other communal space which would provide residents with space to gather and hold events. However, it may be possible to provide these benefits without a development of the scale of the appeal proposal, and whilst I am mindful of the comments of residents supporting the provision of these features, they carry only limited weight in favour of the proposal as a whole.
25. The proposal would generate investment and employment during the construction period, though given the scale of the proposal this would be to a limited extent and over a limited time. Residents of the proposal would support facilities and services in the area, although due to the number of residents this would also be no more than a limited benefit.
26. The carbon offset contribution included in the UU would primarily relate to the impact of the development, and is a neutral factor in the overall planning balance.

Planning Balance and Conclusion

27. The proposal would lead to significant benefits in respect of meeting the needs of older people as well as the provision of affordable housing. The contribution to housing supply in general would also be a significant benefit given the low level of delivery of housing in the Council's area as evidenced by the HDT. The proposal would also have more limited benefits in respect of biodiversity, communal facilities for residents, investment, employment and support for services.
28. However, even these benefits considered cumulatively would be significantly and demonstrably outweighed by the significant harm to the character and appearance of the area and the harm to living conditions of nearby residents.
29. Overall, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the 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