



Appeal Decision

Site visit made on 14 December 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2022

Appeal Ref: APP/B5480/W/21/3272933

Hillside Views, Warley Road, Upminster RM14 1TR

- 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 Batth Properties Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P0150.21, dated 29 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is a new dormer bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. Both main parties were invited to comment on the relevance of any changes in the Framework to this appeal. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.
3. The Council adopted the new Havering Local Plan ("the HLP") on 17 November 2021. At the same time the 2008 Core Strategy and Development Control Policies DPD, the policies of which had been referred to in the decision notice, was withdrawn. The main parties were afforded the opportunity to comment on the relevant new policies, and in my reasons below I have referred to the policies of the HLP.

Main Issues

4. The appeal site is within the Metropolitan Green Belt, and the main issues are therefore:
 - Whether or not the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and the effects of the proposal on the openness of the Green Belt;
 - The effect of the proposed dwellings on the character and appearance of the area; and

- If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development within the Green Belt, openness of the Green Belt

5. The appeal site consists of a detached bungalow, Hillside Views, and its garden. The proposal is to sub-divide the plot, and to build a new detached dormer bungalow alongside the existing dwelling.
6. Hillside Views is the westernmost of a small group of dwellings on the south side of Warley Road within the Metropolitan Green Belt. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Paragraph 149 of the Framework states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Policy G2 of the London Plan 2021 seeks to protect the Green Belt from inappropriate development, and is consistent with the Framework. The appellant has not specifically argued that any of the exceptions provided for by Paragraph 149 apply. However, the Framework is a material consideration which carries significant weight in determining this appeal, and there are two of the exceptions which, to my mind, I need to address here.
8. Paragraph 149(e) allows for limited infilling in villages, and although "limited infilling" is not defined further in the Framework, in my experience it is often reasonably taken to mean the filling of a small gap in an otherwise built-up frontage in a recognised settlement. In this case, the Council has stated that the site is within an established urban area and thus, I infer, within a recognised settlement. However, as a domestic garden the site is a part of – rather than a gap within – the built-up frontage. Furthermore, the next building to the southwest, Pine Farm, would remain physically and visually separated from the dwellings on Warley Road. The proposal would not therefore represent limited infilling in a village.
9. Paragraph 149(g) allows for "the partial or complete redevelopment of previously developed land" which would "not have a greater impact on the openness of the Green Belt than the existing development". The baseline for considering the effect on openness, which is the absence of development and which has both a spatial and visual aspect, must be what currently exists at the site. The proposed development would see a dormer bungalow introduced into an area currently occupied by lawn, trees and shrubs. This would increase the amount of built form on the site, and so would reduce the spatial openness of the Green Belt. The new dwelling would be seen in views into the appeal site, and so the development would also reduce the visual openness of the Green Belt. Given the modest size of the proposed dwelling, I consider that this would amount to moderate harm to the openness of the Green Belt.

10. I conclude that the proposed development would not fall within any of the exceptions described in Paragraph 149 of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance. The development would cause moderate harm to the openness of the Green Belt, and would conflict with Policy G2 of the London Plan 2021, which seeks to protect the Green Belt in line with national policy.

Character and appearance

11. The proposed new dwelling would be a four-bedroom dormer bungalow. Three of the bedrooms, one with ensuite bathroom, as well as a family bathroom, would be at first floor level. The roof would be half-hipped, with high side elevations, and there would be three dormers on each of the front and rear roof slopes.
12. The appellant considers that the design and massing of the proposed dwelling would reflect that of the existing bungalow on the site. In fact, the hipped roof of Hillside Views has a relatively low-profile, which means that although it is in a slightly elevated position above Warley Road it does not dominate its surroundings. On the other hand, the proposed dwelling, because of the height of its roof and the side elevations necessary to accommodate the first floor rooms, would be a top-heavy and bulky structure. This would make it dominant and unsympathetic alongside the existing bungalow. Although there is a considerable diversity of scale and design in the other properties nearby on Warley Road, including some two-storey houses, the proposed bungalow would nevertheless appear cumbersome and incongruous even in its wider setting.
13. I conclude that the proposed bungalow would be harmful to the character and appearance of the area, and the development would therefore conflict with Policies 7 and 21 of the HLP. Together these policies seek to ensure that new residential development demonstrates high-quality design, complement the character of the area, and respect, reinforce and complement the local streetscene.

Other considerations

14. No other considerations were put forward by the appellant. The proposal would provide additional housing at a time when the Government is seeking to significantly boost the supply of homes. However, as this would amount to only a single extra dwelling it is a matter which carries only moderate weight in the scheme's favour.

Planning Balance and Conclusion

15. The proposal would be inappropriate development in the Green Belt, and would conflict with Policy G2 of the London Plan 2021 which seeks to protect the Green Belt. It would also cause moderate harm to the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 148 of the Framework. The proposal would also be significantly harmful to the character and appearance of the area, and would conflict with the development plan in this respect.
16. The Council's appeal statement acknowledged that the 2020 Housing Delivery Test ("HDT") results showed that it had met only 36% of its housing requirement over the three-year period to 2020. The 2021 HDT results,

published on 14 January 2022, showed delivery at 46% of the housing requirement in the three years to 2021. However, while the delivery of housing in Havering is therefore substantially below the requirement, Paragraph 11 and Footnote 7 of the Framework are clear that the “tilted balance” in favour of “sustainable development” is not engaged if the application of policies in the Framework to protect areas of particular importance provides a clear reason for refusing the development proposed. These areas include land designated as Green Belt, and in this case, the harm to the Green Belt which I have identified provides a clear reason for refusing the proposal. The “tilted balance” is therefore not engaged.

17. The substantial weight to be given to the Green Belt harm, and the other harm arising from the development identified above, is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
18. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector