
Appeal Decision

Site visit made on 3 February 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 16 FEBRUARY 2022

Appeal Ref: APP/B5480/W/21/3279983
75 Tuck Road, Rainham, RM13 7HJ

- 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 Kawaljit Singh Gulati against the decision of the London Borough of Havering Council.
 - The application Ref. P0294.21 dated 16 February 2021, was refused by notice dated 15 April 2021.
 - The development proposed is addition of 1 x 1-bed attached dwelling involving conversion of existing attached garage, alteration to front elevation, part single, part two storey rear extension and first floor side extension over garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I note that the application form described the proposed development as 'conversion of garage, extension to the rear of garage and on first floor, above the garage, to create one additional (one-bedroom) dwelling'. This was changed in the officer's report, and on the decision notice to the description given in the heading above. The appellant's appeal statement has adopted this text and I consider that the amendment better describes the intended development.

Main Issues

3. The main issues in this case are: i) the effect of the proposal on the streetscene; ii) the quality of the living conditions for future occupiers; iii) the adequacy of car parking and cycle storage, bins storage, etc.

Reasons

4. The appeal site is in a predominantly residential area with a mix of semi-detached and terraced housing. The appeal property is semi-detached and of 2 storeys. At the front it has a porch with a mono-pitched roof which runs across the front of the attached projecting garage. The side of the house is set very close to the boundary with No.77, the gap at the front of the garage being about 1.4m, although this width diminishes further back into the curtilage as the boundary line is set at a slight angle. The garage itself has an external

width of about 3.75m. No.75 is situated on the north-west side of Tuck Road, immediately before the road turns 90° to the south-east. There is a turning head to the north-east of the front garden of No.75, with the adjacent terrace of houses set back behind this. There are a number of street trees set in the footway of this part of Tuck Road.

The effect of the proposal on the streetscene

5. The proposed dwelling would comprise, at the ground floor, a conversion of the garage and an extension behind it, whilst at the first floor there would be an extension that is set back from the main front elevation of the host dwelling by 1m. This extension would run back 1.3m beyond the original rear elevation of the dwelling, but not as far as the existing ground floor extension.
6. The main effect on the street scene would arise from the front elevation, but because the neighbouring terrace is set back from the general building line of No.75 and its neighbours to the south-west, there would also be views of these extensions from the hammer head and houses to the north-east. However, there is no new front door proposed, so that the appearance would be of an extension of additional accommodation to No.75 itself. As such it would be perceived to follow the usual guidance that an extension should be seen as being subordinate to the host dwelling. This generally satisfactory appearance would be maintained by the fact that the main part of the roof over the first floor would be gabled as on the existing house, with the ridge set down from the existing ridge.
7. At the same time, the existing house and the 2 storey extension would effectively fill most of the frontage, looking a little cramped, but since the neighbouring houses on this side are in the form of a terrace, I do not see this as being harmful to the streetscene. However, there would be a greater sense of enclosure to the immediately neighbouring house at No.77, somewhat overbearing to the approach to the 'front door', which is in the side elevation, and to the front of that house and its outlook. This amounts to a degree of harm that carries some weight.

The living conditions for future occupiers

8. The Nationally Described Space Standards and London Plan Policy D6 set out gross internal floor areas for new dwellings at defined levels of occupancy. The proposal shows the provision of a double bedroom. The standards require 58m², which the proposal appears to meet, but it is deficient in the required level of 1.5m² built-in storage. It is this level of accommodation that the proposal should be judged against, rather than the 1 person, 1 bedroom single storey dwelling that the appellant's case relies upon. This is because it is a 2 storey dwelling that is proposed and it clearly is capable of having an occupancy of 2 people.
9. There are further issues that I have identified from the plans that impinge on the living conditions of future occupiers. The side extension covers that part of the existing flank elevation of the donor house where there is currently a window providing light to the upstairs landing and the staircase. A similar situation arises in the proposed new dwelling where the stairwell has no window shown in the new flank wall. I regard these as shortcomings of the proposal.

10. Furthermore, I noted in paragraph 6 above that there is no new front door shown on the floor plans and elevations. The arrangement proposed is that the existing front door into the porch would serve the existing and the new dwelling. It is true that both dwellings would have their own internal front doors, inside the porch, but these would be in shared accommodation. I regard this as an unsatisfactory arrangement for a development that is intended to be a separate 2 storey house.
11. The appellant argues that the build quality would be high, designed with sustainability in mind. Whilst I have no reason to doubt this intention, these qualities do not overcome the inadequacies of the proposal that I have identified, which carry significant weight.

The adequacy of car parking and cycle Store, etc

12. The drawings for the proposal show 3 car spaces occupying almost the whole of the front area of the site, so that it would be largely hardstanding with very little soft relief. This would also mean that, when these spaces were occupied, the occupants and visitors to the 2 dwelling would either have to squeeze between 2 cars, or would have to walk around the paved area to the north-east of the third car. The latter option would be particularly unsatisfactory as it would entail everyone entering the 2 dwellings passing immediately in front of the living room window of the new dwelling. In addition, there is a street tree that would make manoeuvring difficult into at least 1 of the spaces. This would put the street tree at risk, which if it were lost, would be an unfortunate outcome for the street scene.
13. As far as cycle storage and refuse and recycling bins are concerned, no arrangements are shown for the first, and as far as the donor house is concerned, there is no outside way that cycles could be taken round to the rear. The storage for 3 bins at the back of one of the parking spaces would be an additional hard feature. The effect of the extensive hardstanding and the inadequate facilities for cycle storage are shortcomings that carry significant weight.

Conclusions

14. I have taken account of all other matters raised. In particular I note that the officer's report mentions that the housing delivery test shows that the borough has been substantially below the housing requirement for the last 3 years (at the time of the officer's report). This means that there is a presumption in favour of sustainable development arising from paragraph 11d) of the National Planning Policy Framework (the Framework). There are other paragraphs of the Framework that are mentioned in the appeal statement, that I have considered. However, 1 additional small dwelling is not significant in terms of the housing supply position in the whole borough, and in my judgement the matters leading to my decision are overriding.
15. There are a number of 'precedent' decisions that are drawn to my attention – I viewed each of these during my site visits. As is noted, each case must be judged on its individual merits. I am not fully informed of the background to each of these, but in any event, I consider that these examples are not properly comparable to the appeal proposal, and do not lend weight in favour of the grant of permission for the proposed additional dwelling.

16. For the reasons I have given above, I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR