



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: 24th March 2022

Appeal Ref: APP/B5480/W/21/3273207

12 Hog Hill Road, Collier Row RM5 2DH

- 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 Wentworth Developments Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P0136.21, dated 27 January 2021, was refused by notice dated 24 March 2021.
 - The development proposed is a new block of 6 No. two-bedroomed flats and 2 No. one-bedroomed flats with associated landscaping and parking.
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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 previous version published in February 2019. Although some changes were made to the wording of the parts of the Framework referred to in the Council's reasons for refusal, these did not significantly alter the intent or effect of the Framework in respect of this appeal. While I have not therefore sought additional comments on the changes to the Framework, I am satisfied that no party's interests have been prejudiced by my taking this approach. 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Strategy and Development Control Policies DPD, the policies of which had been referred to in the decision notice, was withdrawn.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 main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether or not the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the amount, quality and layout of living space and outdoor amenity space, privacy, and outlook.

Reasons

Character and appearance

5. The appeal site consists of two connected pieces of land on the north side of Hog Hill Road. The larger part, forming the frontage to Hog Hill Road, was previously occupied by a petrol filling station, though this has been demolished and the site was vacant at the time of my visit. The smaller area at the north-west corner of the site behind the adjoining semi-detached bungalows at Nos 16 and 18 Hog Hill Road was also vacant, although I understand it to have most recently been used for the storage of motor vehicles.
6. Immediately to the north of the appeal site is a unit used for the sale and repair of cars and other motor vehicles, while to the east is a short terrace of shops; both the garage and the rear of the shops are accessed by a right of way which passes between the two parts of the appeal site. A mix of commercial and residential uses continues for some way to the east along Collier Row Road, while the area to the north and west of the appeal site is predominantly residential. Building lines on adjoining street frontages are essentially uniform, and the buildings themselves are generally modest in scale, although within this prevailing character there is some variability in appearance arising from differences in age, design, materials and detailing.
7. The proposed development is the erection of a new two-storey residential block on the appeal site. This would provide four two-bedroom flats at ground level, with two two-bedroom flats and two one-bedroom flats at first floor level. The main roof would be hipped, with both eaves and ridge heights broadly in line with the two-storey terrace to the east. There would be two projecting gabled bays on the front elevation, and two deeper projecting hipped roof bays at the rear. External areas would have a range of hard and soft landscaping. There would be three mobility-accessible visitor parking spaces at the front of the building, while eight residents' parking bays would be provided in a secure area on the smaller part of the site to the rear of Nos 16 and 18.
8. The two front gables would project forward of the building line of the properties on either side of the appeal site, and they would rise almost to the height of the main roof ridge. Their size and projection would be much greater than generally found in the surrounding area, where I saw that gabled bays (if present at all) tend to be relatively narrow and modest in scale; the gables' bulk and prominence would dominate the local streetscene, particularly in views from the west along Hog Hill Road.
9. In order to ensure that residential development presents an active frontage to the street, the Council's 2010 Residential Design Supplementary Planning Document ("the SPD") advises that direct individual access to dwellings is preferred, but that where communal entrances are required these should be "prominent and generous". The proposed main entrance in this case would be inset in the narrow space between the two front gables and, notwithstanding the presence of a small first-floor balcony (accessed from a communal part of the building) which would provide a shallow canopy, it would be a relatively visually weak feature. While the submitted plans show an access path from the street, this would not on its own amount to a prominent and generous, or indeed particularly legible, main entrance.

10. The Council also considered that the lack of symmetry, arising from the flats on the western side of the building being slightly wider than those on the east, would also result in the building appearing visually unbalanced. However, although many of the buildings in the area may have originally been designed and built to symmetrical patterns, symmetry has been eroded by extensions and alterations over the years such that it is not a prevalent characteristic of the area. In my view the lack of symmetry would be relatively minor and unlikely to be noticed by most observers; it would not amount to significant harm to the character and appearance of the area. I also acknowledge that the proposed materials would be appropriate for the site and the area. However, a lack of harm in these matters would not outweigh the other harm which I have found.
11. I conclude that, because of the dominant gables and weak entrance feature, the proposed development would be harmful to the character and appearance of the area. The proposal fails to have regard to the advice of the SPD in this respect, and conflicts with Policies 26 and 27 of the HLP, which among other things seek to ensure that developments (including landscaping) respect, complement and reinforce the local character and streetscene. The proposal also conflicts with the requirements of the Framework in respect of achieving well-designed places, notably Paragraph 130 which among other things seeks to ensure that developments will function well, add to the overall quality of the area, and are sympathetic to local character.

Living conditions

The space standards for residential development which are applied by Policy 7 of the HLP and Policy D6 of the 2021 London Plan reflect the Nationally Described Space Standard¹. While each flat would meet the space standard in terms of its overall gross internal area (GIA), the Council considers that bedroom 1 in both Flats 1 and 5 would fall around 0.5m² of the requirement for a double bedroom. I note the appellant's comment that "all the units are compliant with standards", but the appeal statement did not specifically address the apparent shortfall against the minimum standard for those two particular bedrooms.

12. Ground floor flats would each have a patio area, while first floor flats would have a balcony. Standards for private external amenity space are set by Policy D6 of the 2021 London Plan; this seeks a minimum of 5m² of private outdoor space for 1-2 person dwellings, with an extra 1m² for each additional occupant thereafter. By the Council's calculation, the four units on the south side of the building (Nos 1, 4, 5 and 8) would have amenity space of between 4m² and 5.6m². These would all fall short of the requirement for 3-person dwellings.
13. I acknowledge that it in some cases the provision of high-quality communal amenity space may be an appropriate means of accommodating a shortfall in private amenity space; this also appears to be accepted in the Council's officer report. However, while there are communal seating areas and lawns proposed for the rear of the building, these would in part be very close to the bedroom windows of flats 2 and 3 on the ground floor; the use of these areas as shared amenity spaces would be likely to have a detrimental effect on privacy for the occupiers of those flats.

¹ "Technical housing standards – nationally described space standard", Department for Communities and Local Government 2015

14. I note the appellant's suggestion that the layout of the open space and the extent and boundaries of the patio areas could be addressed by condition, and the implication that this could therefore resolve privacy concerns. The effect of creating denser planting closer to the building, however, would be to shift the focus of the communal space northwards, away from the building towards the rear of the site. This would put occupiers closer to the garage at the rear of the site, from where at the time of my site visit the noises and smells arising from work on vehicles were clearly noticeable and intrusive at the edge of the appeal site. In my view this close relationship with the garage would be likely to significantly reduce the usefulness of the communal space as a place for future occupiers of the proposed development to rest and relax peacefully as they might reasonably expect to do.
15. I note the appellant's comments in respect of single aspect flats, and agree that it can sometimes be an acceptable approach where necessary to achieve a reasonable development density. However, in this case I consider that the proximity and use of the garage at the rear of the appeal site would result in the single aspect flats at the rear having a limited and unattractive outlook from their lounges and kitchen areas in particular.
16. Taking all of these factors together I conclude that the proposed development would, as a result of shortfalls in living and amenity space, the layout of outdoor amenity space, lack of privacy and poor outlook, fail to provide future occupiers with acceptable living conditions. It would therefore conflict with Policies 7 and 26 of the HLP, and Policy D6 of the 2021 London Plan, which among other things seek to ensure that development provides an attractive living environment and high quality of life for future residents. It would also fail to comply with the requirements of the Framework in respect of achieving well-designed places, notably Paragraph 130 which among other things seeks to ensure a high standard of amenity for existing and future users.

Other Matters

17. The appeal site is brownfield land in an urban area, close to a centre offering a variety of shops and services. The Council raised no objections to the principle of residential development on the site, and none of the evidence before me leads me to a different view. However, that the principle of a development may be acceptable does not in itself outweigh specific harms which I have found.
18. The appellant drew my attention to an earlier planning permission for residential development on the site, which I understand to have been granted in 2006². However, this earlier permission pre-dated both the 2021 Havering Local Plan and the 2008 Core Strategy under which the current appeal proposal was originally determined, the 2021 London Plan, the original version of the Framework published in 2012, and the nationally described space standard. While I again do not disagree that the principle of residential development is acceptable, given the changes in local and national planning policy since the grant of a planning permission in 2006 this does not outweigh the specific issues of concern in this case.
19. The appellant also drew my attention to an earlier appeal decision, issued in January 2021, in respect of a proposal for a development of a block of 9 flats

² LPA Ref: P1367.06

on the appeal site³. While I do not know the full details of that earlier scheme, the evidence before me (including the Council's comments) indicate that the current proposal has addressed some of the Inspector's concerns in that previous appeal decision. However, I have found harm as set out above, and therefore the changes which have been made since the January 2021 decision do not amount to a justification for allowing this appeal.

Planning Balance and Conclusion

20. The Council's officer report 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. Therefore, the most important policies for determining the appeal should be considered out of date, and the presumption in favour of sustainable development set out in paragraph 11d) of the Framework applies. As such, planning 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.
21. The proposed development would provide eight new dwellings, in an area reasonably well-located for access to shops, other services and transport links. There would be some additional benefits in terms of employment and use of local businesses during the construction phase. Given the small scale of the scheme, these would represent in total a modest social and economic benefit. However, the development would be harmful to the character and appearance of the area, and would fail to provide acceptable living conditions for future occupiers. It would therefore conflict with the specific requirements of Paragraphs 126 to 134 of the Framework, for the reasons which I have set out above.
22. Overall, the harm from the development significantly and demonstrably outweighs the benefits when assessed against the Framework taken as a whole. The proposal would not amount to sustainable development in the terms set out in the Framework. The appeal is therefore dismissed.

M Cryan

Inspector

³ PINS Ref: APP/B5480/W/20/3249879