



Appeal Decision

Site visit made on 22 March 2022

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 APRIL 2022

Appeal Ref: APP/B5480/W/21/3277125

19 Nelmes Way, Hornchurch RM11 2QY

- 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 Michael James against the decision of the Council of the London Borough of Havering.
 - The application Ref P0273.21, dated 8 February 2021, was refused by notice dated 16 April 2021.
 - The development proposed is the demolition of existing dwelling and outbuildings and construction of new 5 bedroom detached dwelling with associated landscaping and boundary wall treatments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Between the determination of the planning application and the appeal coming before me, a revised National Planning Policy Framework (Framework) was published by the Government and a new Havering Local Plan (Local Plan) was adopted by the Council. The Council has subsequently indicated that certain policies of the new Local Plan are relevant to this appeal. The views of the appellant have been sought on the new Plan and I have referred to it in my findings. The revised Framework does not raise any new issues.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of neighbours with particular regard to outlook.

Reasons

Character and Appearance

4. This part of Nelmes Way is characterised by large, detached dwellings sitting within large plots. There is a variety of styles and heights of dwellings although most have either brick or render finishes with brown or black roof tiles. The houses are set back from the site frontages and together with the width of the road and the street trees and boundary planting, the area has a spacious and verdant character to which the appeal site positively contributes.
5. The appeal site is on the eastern side of Nelmes Way and has a wider frontage compared to most others in the vicinity. However, the existing bungalow on the

- appeal site, which respects the general pattern of development in terms of its positioning within the site, is not particularly prominent within the street scene.
6. The proposed house would be set forward of the existing bungalow's position. There is not a strong building line along this part of Nelmes Way, and the spacing to the side boundaries would not generally be out of keeping with the area. However, by virtue of its positioning, the depth of the proposed dwelling would be evident from Nelmes Way. This depth, in combination with the height of the building, would result in the side elevations presenting as large expanses of brickwork and roofing. The result would be prominent but blank elevations which would produce discordant, bulky features. This combination would also make the house appear overly dominant within the street scene when compared to neighbouring dwellings and would detract from the character and appearance of the locality.
 7. Whilst variety and difference does not necessarily lead to harm, in this particular instance the proposed building would be of a size and position that would have a jarring visual relationship with its surroundings that would harm the wider area. I acknowledge that there are a number of sizable properties within the vicinity. However, these appear to assimilate acceptably in terms of their design and appearance and do not, based on what I have seen, harm the character and appearance of the street scene in the same way the appeal proposal would.
 8. Accordingly, the proposal would be contrary to Policies 7 and 26 of the Local Plan which, amongst other things, seek to ensure local character is protected and that new development provides an attractive environment that complements the street scene. These policies are supported by the guidance contained within the Emerson Park Policy Area Supplementary Planning Document and the Residential Design Supplementary Planning Guidance which, amongst other things, seek to ensure that new development respects local character and that it is of an appropriate scale, massing, height, and appearance.
 9. The Council has drawn my attention to Policies 10, 24, 27, 28 and 35 of the Local Plan but from the evidence before me these do not appear to be directly applicable to the current case. However, this does not alter my conclusions with regard to the effect of the development on the character and appearance of the area.

Living Conditions

10. To the south of the site, 21 Nelmes Way (No.21) is built up to the shared boundary with the appeal site. However, the proposed dwelling would be set in at least 2m from this boundary. In addition, that part of the proposed dwelling which would extend beyond the rear of No.21 would largely be single storey and would be to the north of the neighbour. As such this part of the proposed dwelling is unlikely to appear overly oppressive to the occupants of No.21 and the overall effect on this neighbour's outlook is likely to be limited.
11. The proposed relationship with No.21 at the front would have some impact on the outlook from this neighbour's front ground floor bay window, as it is adjacent to the shared boundary. However, an existing hedge already hinders the outlook. Although the proposed dwelling would be higher than the existing

- hedge, its distance from the boundary would be likely to mitigate some of the impact on outlook. As such, any harm would be limited.
12. Similarly, the neighbour at 17 Nelmes Way (No.17) would experience some alteration to their outlook from the side/front windows on the forward part of their property. The windows are however currently impacted by an existing tall hedge on the boundary. Given the position of the proposed building relative to these windows and the distances involved, the proposal would not appear overly oppressive or significantly affect outlook.
 13. The proposed dwelling would be more evident from the rear area of No.17. Although the part of the proposed dwelling closest to this neighbour would be single storey and the roof angled into the site, it has a high eaves height and coupled with its length and the pitch of the roof, it would be a sizable built form. However, given its position and the screening which currently exists along the boundary, it would not be overly dominant or harm outlook from the neighbour's patio area, rear windows, or conservatory.
 14. The main bulk of the building would be located more centrally within the appeal site. Given its size, height, and position, it would be more noticeable than the building it would replace. However, I do not find that this in itself would be unduly oppressive or significantly harm the outlook of this neighbouring occupier.
 15. The Council has not raised concerns in relation to the effect of this proposal on neighbours to the rear of the site. Based on my observations and the evidence before me, I have no reason to disagree.
 16. I acknowledge that the replacement dwelling would be more prominent from the neighbouring properties than the building it would replace and the views across the appeal site would change. However, given my observations above, I do not find that this in itself would harm the living conditions of neighbouring occupiers.
 17. As such, the proposal would accord with Policy 7 of the Local Plan which, amongst other things, seeks to ensure the living conditions of neighbouring occupiers are protected.

Other Matters

18. I have not had further regard in this decision to concerns over how the Council handled the planning application. I have focused on the planning merits of the scheme in regard to the main issues of the case.
19. The appellant notes that the existing dwelling is in poor condition and unoccupied. However, the Council has not specifically objected to the loss of the existing building nor the principle of a new dwelling on the site.
20. It is suggested by the appellant that the scheme would integrate with future developments as they come forward, particularly to No.17 and that alternative schemes for the appeal site could have been larger. However, these are matters of conjecture and there is no substantive evidence before me in this regard. Furthermore, it is said that other sites in the vicinity have a greater quantum of development than what is proposed given the overall size of the plot. However, none of these factors in themselves mean that the current

scheme is acceptable, and they do not absolve me from making an assessment as to the effects of the proposal in regard to the main issues of the case.

21. The appellant suggests that if the appeal were to be dismissed and a smaller dwelling were to be built on the site, this would harm the development of other sites along the road. However, each appeal proposal is considered on its own merits and based on the evidence available in each case. It does not automatically follow that the same circumstances would apply to other sites and other proposals.
22. I am aware of the Government's objective to significantly boost the supply of housing. The scheme would lead to some, albeit time-limited, economic benefit during the construction phase, which may give rise to extra local employment. Longer term there may be an increase in Community Infrastructure Levy and Council Tax receipts. However, given the scale of the proposal this would be limited. Accordingly, these factors attract only limited weight.
23. The appellant notes that the proposed dwelling would use materials similar to other properties in the area; that it would be built to a high standard; will be energy efficient; meet the latest building control criteria which will minimise pollutants and maximise sustainability. It is also asserted that construction noise and disturbance would be controlled. Furthermore, it is said that there are no windows which overlook neighbours and space standards would be met. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.

Conclusion

24. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The fact that I have found in the appellant's favour with regard to the effect of the proposal on the living conditions of neighbouring occupants does not outweigh the harm I have identified to the character and appearance of the area and so does not alter my conclusion.
25. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR