

Appeal Decision

Site visit made on 5 April 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2022

Appeal Ref: APP/B5480/W/21/3284608

1a Broadway, Romford RM2 5NS

- 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 TJ Long against the decision of London Borough of Havering.
 - The application Ref P0658.21, dated 6 April 2021, was refused by notice dated 24 September 2021.
 - The development proposed is the demolition of the existing chalet style bungalow, and the construction of a replacement detached two-storey with loft accommodation, five-bedroom dwelling, with an integral garage and an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal documentation includes a revised site plan. However, as the revision consists of clarification regarding the positioning of a neighbouring dwelling, rather than an amendment to the proposed development, I consider it would not cause prejudice to any party to assess the appeal with reference to the revised plan. I have therefore proceeded on this basis.
3. One of the neighbouring properties is referred to, on the submitted plans, as being 2 Broadway. However, on my site visit, I noted that this property is 3 Broadway. I have therefore proceeded on the basis that the neighbouring property is No. 3.
4. Subsequent to the determination of the planning application, the Council adopted the Havering Local Plan (2021) (the Local Plan). As this document now forms part of the Development Plan, it carries full weight in my considerations. I have therefore had regard to this document in considering this appeal, having first given the main parties opportunity to comment.

Main Issues

5. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the Conservation Area (the CA); and
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and light.

Reasons

Character and appearance of the Conservation Area

6. The appeal site is located in the Gidea Park Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of traditionally designed, arts and crafts style buildings located within landscaped settings. This gives the vicinity of more, open, less developed character.
7. The proposed development would result in an increase in the overall level of built form in the surrounding area as the proposed development would have a greater form and massing than the existing dwelling, which is proposed to be demolished.
8. Although the existing dwelling is not a listed building, it reflects the prevailing character given that it is of a traditional form of architecture. In addition, its proportions maintain the generally more open character of the surrounding area. Therefore, the dwelling, as currently constructed, is harmonious to its surroundings. This arises from the height of the dwelling, the relatively low eaves height and the palette of materials.
9. In contrast, the proposed development would conflict with the prevailing character owing to the fact that it would be of a more modern design. It would also have a greater height than some of the neighbouring dwellings.
10. In addition, the greater form means that the character of the vicinity would be eroded by reason of the development creating a more urban and developed appearance owing to the proposed dwelling's proportions. In result, the proposed development would appear incongruous. The proposed development would feature a taller garage. This would reduce the space between buildings, which would result in an erosion of the area's more open character.
11. In addition, the proposed dwelling would feature a different roof shape and eaves height to many of the neighbouring dwellings in the surrounding area. It would also feature some projecting elements that, in cumulation, would create a bulkier dwelling that would conflict with the prevailing character. The proposed development would have a greater height than the existing building. Whilst the increase in height may not be large, it would contribute to an adverse effect upon the site's surroundings.
12. My attention has been drawn to other roof shapes in the surrounding area. I do not have the full information regarding the planning circumstances of these, which lessens the weight that I can attribute to them. Nonetheless, I note that the proposed development would conflict with the prevailing character in the immediate vicinity of the appeal site. In consequence, the presence of differing roofs elsewhere does not allow me to disregard my previous concerns.
13. Although the existing garage is attached to the existing dwelling, the relevant section of the replacement dwelling would be larger than the existing garage. In consequence, the development would erode the character of the vicinity.
14. The proposed development would be constructed from a palette of materials that would conflict with the general character of the surrounding area. It has been suggested that I can impose a condition requiring the future agreement of materials by condition. However, such a condition would conflict with the

submitted plans that specify the currently proposed materials. In consequence, such a condition would be unreasonable.

15. These factors pose concerns given the general prominence of the appeal site. The proposed development, and its associated increase in built form, would be readily perceptible from the surrounding area. In addition, the proposed development would be viewable from many of the neighbouring dwellings. Therefore, the development would be a strident addition.
16. I therefore conclude that the proposed development would have an adverse effect upon the character of the CA. The development, in this regard, would conflict with the requirements of Policies 26 and 28 of the Local Plan; Policy HC1 of the London Plan (2021); and the Heritage Supplementary Planning Document (2011). Amongst other matters, these seek to ensure that developments are informed by, respect and complement the distinctive qualities, identity and character of the site; and the local area; and conserve and enhance the character of conservation areas.

Living conditions

17. The proposed development would have a larger footprint than the existing dwelling. In addition, it would maintain the broadly linear pattern of development that is a feature of the vicinity. The proposed dwelling would project further back into the rear garden of the appeal site relative to the surrounding dwellings.
18. The proposed development would, by reason, of its projection and height would result in an enclosing effect upon the rear garden of the neighbouring property at No. 3. This would therefore restrict the overall level of outlook available for the users of this space.
19. Furthermore, owing to the proportions of the proposed development, combined with its general orientation would result in a reduction in the overall level of light available for users of the garden of No. 3.
20. The proposed development includes balconies. From these areas, views of significant proportions of the rear gardens of both No. 1 and No. 3 would be possible. This would erode the levels of privacy for users of these spaces. This would occur irrespective of the proposed screens that would be installed at the ends of the balcony.
21. The balcony situated in the rear roof slope would be recessed. However, from this area, views of the neighbouring gardens would be possible. This would contribute to a general erosion of the privacy levels for neighbouring occupiers.
22. Whilst I acknowledge that the existing dwelling and some of the dwellings nearby feature balconies, these are notably smaller than that proposed in the appeal scheme. In consequence, they do not have the same breadth of views as the proposed balcony would have. In consequence, they would not lead to the same adverse effects as the appeal proposal would have. Therefore, the presence of existing balconies does not overcome my previous concerns.
23. These matters are of particular concern owing to the fact that the rear gardens of the neighbouring properties represent the only areas in which the occupiers of the adjoining dwellings might undertake private, outdoors recreation. In

consequence, the overall loss of light and outlook would result in an erosion of the ability of existing residents to undertake such activities.

24. In addition, the proposed development would result in a greater mass of built form in proximity to the shared boundary with No. 3 than is currently the case. This would therefore result in a greater enclosing effect upon the side windows of the neighbouring dwelling.
25. Therefore, by reason of the greater height and massing of the proposed dwelling, the development would result in a notable loss of the available light and outlook available to the users of the rooms served by the side elevation windows. This relationship would therefore result in an adverse effect upon the living conditions of the occupiers of the neighbouring dwelling.
26. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the neighbouring properties. The development, in this regard, would conflict with Policy 7 of the Local Plan. Amongst other matters, this seeks to ensure that developments do not result in an unacceptable loss of outlook and light.

Other Matters

27. I acknowledge concerns raised regarding the manner in which the planning application was considered. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Planning Balance

28. The harm that would occur to the character and appearance of the Conservation Area would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
29. The proposed development would result in an increase in the local housing supply and appropriate living conditions for the future occupiers of the dwelling. However, the benefit is limited owing to the scale of the development. The development would generate some economic benefits arising from the works being undertaken and the occupation of these development. However, these benefits would be limited due to the scale of the development and also, in some instances, of a time-limited duration. In consequence, I can only attribute the public benefits a limited amount of weight.
30. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the Conservation Area, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

31. The proposed development would have an adverse effect upon the character and appearance of the CA and would harm the living conditions of the occupiers of the neighbouring properties. The scheme would therefore conflict

with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR