



Appeal Decision

Site visit made on 22 February 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/B5480/W/21/3278710

Land to the south of 62-88 Carlton Road, Romford RM2 5AA

- 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 Myles McMillan (Trademark Group) against the decision of the Council of the London Borough of Havering.
 - The application Ref P1897.20, dated 10 December 2020, was refused by notice dated 19 April 2021.
 - The development proposed is described as 'residential development of the land to south 62-88 Carlton Road, including the erection of 6no. dwellings and associated access, parking, public realm and landscaping works'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Havering Local Plan 2016-2031 (HLP) was adopted after the Council determined the planning application. Additionally, a new version of the National Planning Policy Framework (Framework) was published after the decision was made. Both the appellant and the Council have been able to comment on the bearing of the HLP and the current version of the Framework on the proposal during the appeal process.
3. Following a review of the representations made by interested parties and my site visit, the appellant and the Council were given an opportunity to comment on matters relating to the final main issue identified below. I have taken the comments received into consideration in reaching a decision on the appeal.

Main Issues

4. The main issues are:
 - i) whether the proposal would provide satisfactory access and egress arrangements to and from the site, with particular regard to servicing and the safety of highway users;
 - ii) whether the proposal would provide satisfactory standards of living accommodation for future occupiers of the dwellings, with particular regard to outlook, daylight and sunlight, privacy, and the provision of private outdoor amenity space;
 - iii) the effect of the proposal on the character and appearance of the area; and

iv) the effect of the proposal on the living conditions of the occupiers of 60 to 90 (evens) Carlton Road in respect of:

- privacy; and
- noise and disturbance, with particular regard to pedestrians and vehicles passing the houses at 60, 62, 82 and 84 Carlton Road.

Reasons

Access and egress

5. The majority of the site comprises an area of open space next to land adjacent to a railway line and behind a row of residential properties at Nos 62 to 88. The site also includes accesses from Carlton Road that lead to the rear of those properties, of which several feature fencing, gates and outbuildings such as garages. One of the accesses is between Nos 60 and 62 and the other is between Nos 82 and 84. Vegetation to the rear of No 70 prevents continuous movement across the back of the row of properties. Wire and mesh fencing separates the principal part of the site from the accesses and the rear of the properties. There is limited space between the walls of the houses and the boundaries of the gardens to either side of the accesses.
6. The access between Nos 60 and 62 is mostly grassed. It was apparent from its condition that motor vehicles do not travel along it regularly. Moreover, vegetation and domestic paraphernalia such as gardening materials and outdoor storage behind Nos 62 to 68 narrowed access to the extent that cars could not travel across the backs of those properties. Clearly, cars travel infrequently along the access between Nos 60 and 62. Conversely, the access between Nos 82 and 84 features a gravelled track and hardsurfacing and serves a substation. I saw that there was unfettered access to the substation and from No 72 onwards. Although the access is narrow between Nos 82 and 84, vehicles can practicably travel along it, albeit it is unlikely to be used frequently as it serves relatively few properties.
7. Carlton Road has parking restrictions but provides for permit parking. Permit parking bays are located to each side and opposite the access between Nos 82 and 84, and to each side of the access between Nos 60 and 62. Additionally, double yellow lines are opposite the latter access and a junction between Carlton Road and Glenwood Drive is nearby. Although many of the properties along the road feature private driveways, the occupiers and visitors of those properties could park on-street in front of the crossovers.
8. The proposal would create six residential properties with one car parking space each. It also includes the formation of a continuous access road with a one-way system. Access would be gained between Nos 60 and 62 and egress would be between Nos 82 and 84. The access road would continue to be narrow between those properties; however, it would benefit from improved surfacing and lighting in comparison to the existing access routes.
9. Although a conservative estimate, the appellant's transport statement identifies that there could be eight vehicle movements to and from the site in total during the morning peak hour and six movements during the evening peak hour. Furthermore, the assessment identifies that the Public Transport Accessibility Level (PTAL) for the site is 0, albeit much of the existing row of properties is in a PTAL 1b area. Nevertheless, this indicates that there is limited

accessibility to public transport in the immediate vicinity of the site. As such, it is likely that the development would markedly increase the number of vehicles travelling beside and behind Nos 62 to 88 daily, as the future occupiers and their visitors would often likely rely on private vehicles to travel. It is also likely that occupiers of the existing properties would travel in vehicles to their outbuildings more often as the route would be upgraded and thus be more attractive to use, though the number of movements generated from this would likely be limited.

10. Vehicle tracking drawings have been provided which show a typical family-sized car accessing, travelling through, and exiting the site. However, an interested party has highlighted that allowances have not been made for vehicles being parked in the on-street bays to either side and opposite the proposed egress point. In addition, tracking drawings for larger vehicles have not been provided. Furthermore, the transport statement confirms that fire appliances would be unable to enter the site. It is contended that private waste collections could be secured by a planning condition and that access for fire appliances would be unnecessary as automatic sprinkler systems could be installed. However, detailed access arrangements for other servicing vehicles such as ambulances and delivery vehicles have not been advanced.
11. Based on the submitted evidence and my observations on site, it is unclear whether vehicles could turn out of the site in one motion without encroaching the adjacent on-street parking bays. It is also unclear if vehicles larger than family-sized cars, such as servicing vehicles, could enter or exit the site or manoeuvre around the corners of the rear boundaries of Nos 62 and 82.
12. Given the likely increase in vehicle movements to and from the site, there would be a greater likelihood of collisions in Carlton Road if vehicles could not turn out of the site without encroaching the on-street parking bays, or if multiple manoeuvres and thus reversing were required to prevent encroachment. Furthermore, there would be safety issues arising from larger vehicles attempting to access the site, as this would likely lead to obstructions of the access road and reversing back onto Carlton Road near the junction.
13. Although there may be scope to use signage to discourage misuse of the one-way system and prevent access by service vehicles, this would mean that such vehicles would have to be parked on Carlton Road. The proposed dwellings, especially those towards the middle of the site, would be a considerable distance from the road. In addition, opportunities for on-street parking are limited by the number of private driveways. Servicing of the proposed dwellings would thus often be protracted and may result in driveways being blocked. This arrangement would be a nuisance for the occupiers of both the existing and proposed properties. Based on the evidence before me, I cannot be certain that the issues identified could be satisfactorily resolved by conditions.
14. Notwithstanding the above, visibility splays for drivers of vehicles entering and leaving the site would be adequate, particularly as Carlton Road is subject to a 30 miles per hour speed limit and vehicles would likely emerge onto Carlton Road at limited speeds because of the narrowness of the access road. The access road would not include a delineated footway or cycle path. However, movement along it on foot or by bicycle would be unlikely to cause significant safety issues due to the likely limited vehicle speeds near the Carlton Road

carriageway and the corners of the rear boundaries of Nos 62 and 82, and as there would otherwise be good forward visibility along the access road.

15. There may be some conflicts between vehicles used by the existing residents accessing their outbuildings and those seeking to access or leave the proposed dwellings. The one-way system would also inconvenience the occupiers of the existing properties nearest the access and egress points, as they would have to travel in a loop around the row of properties to access or leave their outbuildings, and the existing routes are more direct. However, these impacts would be offset by the improvements to the condition of the existing occupiers' routes to and from the rear of their properties.
16. I note that the Highway Authority did not expressly object to the proposal; however, its consultation response suggests that further information, including a cross-section, was required to ensure that the arrangements were acceptable. In any case, I must be content that satisfactory access and egress arrangements have been demonstrated. Based on the evidence before me, I cannot be sure that the proposed arrangements would be adequate.
17. The proposal fails to demonstrate that the site would have satisfactory access and egress arrangements. The proposal conflicts with HLP Policies 23 and 24, which seek the safe and efficient use of the highway and the provision of adequate off-street servicing arrangements for commercial vehicles and general servicing. However, in respect of this particular main issue, I find no direct conflict with HLP Policies 7 or 26, or Policy D6 of the London Plan (LP), which principally relate to matters of design and living standards.

Standards of accommodation

18. Proposed unit 4¹ would be a single storey, two bed dwelling. It would feature a relatively narrow kitchen, living and dining room served by an opening onto a private courtyard and opposite a two storey wall which forms the side of unit 3. Outlook from the room would be limited due to the position and height of the wall. The room would also be served by an opening onto a courtyard to its rear. However, the courtyard would be small, triangularly shaped and enclosed by unit 5's rear elevation, fencing to the railway land and a boundary wall to adjacent amenity space. Outlook from that opening would therefore be constrained. Additionally, although the room would be served by a skylight, outlook from it would be restricted as it has been designed to prevent overlooking from a first floor window at unit 5. Consequently, the living standards for the occupiers of unit 4 would be inadequate.
19. The habitable rooms for the rest of the dwellings would be served by openings further from features that would unduly restrict views out from them. Therefore, the proposal would otherwise be satisfactory in respect of outlook considerations.
20. Limited technical information has been provided regarding daylight and sunlight receipt to the proposed units. However, the orientations and positions of the dwellings' openings and their private outdoor amenity spaces, and the sun and shadow analysis in the appellant's design and access statement, indicate that the housing would receive adequate light levels both internally and externally. Although some of the courtyards are small, each property would have at least

¹ Units shown on drawing ref: PLA05 Rev A

one practicably usable amenity space that would exceed the size requirements of LP Policy D6.

21. The windows, doors and skylights would be positioned so as to prevent overlooking. Although units 3, 5 and 6 would feature courtyards near to the access road, the proposed hit and miss brick screens and landscape buffers to the front of those dwellings would provide adequate levels of privacy.
22. The proposal would fail to provide a satisfactory standard of living accommodation for the future occupiers of unit 4 in respect of outlook. It conflicts with HLP Policy 7, which seeks to ensure that future residents have sufficient levels of amenity. However, in respect of this main issue I find no direct conflict with HLP Policy 26, which relates largely to design matters.

Character and appearance

23. The Council's officer report refers to the proposal positively in several respects in terms of character and appearance matters. However, it nevertheless imposed a refusal reason that includes matters of scale, siting and the pattern of development in the area. Additionally, interested parties have raised concerns about character and appearance matters. Informed by the views of the parties, I have made my own assessment on the proposal's effect on the character and appearance of the area.
24. Much of Carlton Road and the surrounding roads such as Lodge Avenue, Glenwood Drive and Stanley Avenue comprise semi-detached and terraced two storey dwellings sited towards the front of their plots. Notwithstanding a few exceptions and some age and design variation, the housing in the area forms well-defined formal patterns of building lines. Visibility of the site from Carlton Road would be limited and thus the development would not be prominent from that perspective. However, the proposed housing would be visible from the rear gardens of nearby properties, the railway and along the access road itself. From these locations the established pattern of development along Carlton Road is evident.
25. The proposal would create a group of mews style properties that would have a contemporary design. The dwellings would be positioned in a staggered row, with the two storey ones stepped forwards towards the access road and the single storey ones set back behind the private courtyards. Although the housing would have a cohesive character and appearance, the development would feel and appear cramped because of its location behind Nos 62 to 88, its proximity to the railway and its staggered layout. The proposal's set back from the highway and its narrow access and egress arrangements between Nos 60 and 62 and 82 and 84, which are typical of housing in the vicinity and obviously precede the development, would compound these issues. Together, the layout and access and egress arrangements would undermine the established pattern of housing along the roads identified.
26. The appellant contends that similar development exists at Junction Road, Harcourt Mews and Monkwood Close. No specific examples along Junction Road have been provided and nothing I saw along it was directly comparable to the proposal. Harcourt Mews consists of houses and a flat block of a unified design which are accessed from Carlton Road. It is near to a large building used by the Royal Air Forces Association and a shopping parade and other flats by Junction Road. The character of the development along Carlton Road between Harcourt

Mews and Junction Road differs considerably from the part of Carlton Road that the site is behind and the surrounding roads identified above. Additionally, Monkwood Close features a much larger development than the proposal, which includes several flat blocks set away from the railway by a two-way access road and parking. As such, neither Harcourt Mews nor Monkwood Close are directly comparable with the scheme.

27. The proposal would harm the character and appearance of the area. It conflicts with HLP Policy 26, which promotes high quality design that responds to local patterns of development. However, I find no particular conflict with HLP Policy 7 regarding this matter, as it largely sets out living conditions considerations.

Neighbours' living conditions

28. The height of the land generally increases from Carlton Road to the principal part of the site. The proposed two storey units would feature bedroom windows oriented towards Carlton Road. The appellant has identified that the separation distances between the rear elevations of the dwellings at Nos 62 to 88 and the proposed dwellings would exceed 30 metres. The impacts on the internal privacy levels of the existing dwellings would thus be minimal. Parts of the neighbours' gardens would be much closer to the proposed properties, but short distance views towards them would be restricted to a significant extent by the outbuildings along the rear boundaries.
29. However, there would be no intervening outbuildings to restrict views of the rear garden of No 60 from the first floor windows of unit 1. There is a tree in the back garden relatively near to the site's boundary, but it would provide limited screening, particularly when it is not in leaf. Although unit 1 would be offset from No 60 slightly, it would nonetheless provide for largely unfettered views over much of the rear garden. The boundary treatment along the side of the garden would need to be increased substantially to address this matter, which would give rise to further negative impacts. As such, there would be an unacceptable loss of privacy to the rear garden of No 60.
30. The dwellings at Nos 60, 62, 82 and 84 have windows in their front and rear elevations near to the access and egress routes. Moreover, the latter three dwellings feature ground and first floor windows in their side elevations, which would be directly adjacent or above passing vehicles.
31. The proposal is supported by a noise and vibration report. However, it focuses on the potential impacts of the future occupiers of the proposed dwellings and provides little analysis in respect of the potential impacts on the occupiers of the existing properties. I acknowledge that the Council's Environmental Health team have not raised concerns regarding noise and disturbance and that vehicles would likely pass the properties at limited speeds. However, having visited the site, had regard to the likely increase in vehicle movements, and considered the proximity of the dwellings and their side windows to the access road; I am not satisfied that there would not be significant adverse noise and disturbance impacts on the occupiers of Nos 62, 82 and 84. There are no obvious ways in which any impacts via the side windows could be mitigated. Notwithstanding this, the noise and disturbance generated by non-motorised vehicles and pedestrians moving to and from the site is likely to be minimal.
32. The proposal would harm the living conditions of the occupiers of No 60 in respect of privacy. It also fails to demonstrate that it would have acceptable

impacts on the living conditions of the occupiers of Nos 62, 82 and 84 Carlton Road in respect of noise and disturbance. The proposal conflicts with HLP Policy 7, which seeks to prevent adverse impacts to the amenity of existing residents.

Other Matters

33. The Council's latest Housing Delivery Test results are such that the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, is currently applicable. Permission should therefore 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.
34. The proposal would make a valuable contribution to housing delivery, supply and mix in the borough, particularly in the context of the Housing Delivery Test results. Moreover, it is undisputed that the Council's delivery rates are amongst the lowest in England. Notwithstanding the site's PTAL, there are also some services and facilities in reasonable walking and cycling distance. In addition, I have already identified that access to the outbuildings to the rear of Nos 62 to 88 would be improved overall. The proposal would also improve surveillance and discourage antisocial behaviour to the rear of those properties. Additionally, the appellant highlights that the proposed landscaping and green roof systems would bring about biodiversity benefits.
35. Furthermore, I acknowledge that the development plan and the Framework seek to significantly boost housing supply, highlight that small sites can make important contributions to housing requirements, and encourage the optimal use of underutilised land like the appeal site. However, the amount of housing proposed and thus the benefits of the development are modest overall.
36. Conversely, the proposal fails to demonstrate that the site would have satisfactory access and egress arrangements or have an acceptable impact on the living conditions of the occupiers of Nos 62, 82 and 84 Carlton Road in respect of noise and disturbance. Additionally, it would offer an unsatisfactory standard of living accommodation for the occupiers of one of the proposed units, harm the character and appearance of the area, and harm the living conditions of the occupiers of No 60 through loss of privacy. Taken together, the adverse impacts are substantial.
37. The adverse impacts would therefore significantly and demonstrably outweigh the benefits of the development when assessed against the Framework taken as a whole. As such, the Framework does not indicate that permission should be granted.

Conclusion

38. For the above reasons I consider that the proposal conflicts with the development plan as a whole. Whilst there are material considerations in favour of the development, these do not outweigh the proposal's conflict with the development plan.
39. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR