
Appeal Decision

Site visit made on 13 April 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/B5480/W/21/3286986

120 Chatteris Avenue, Romford, RM3 8EU

- 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 and Mrs K Bhogal against the decision of Havering London Borough Council.
 - The application Ref. P1295.21 dated 30 June 2021, was refused by notice dated 26 August 2021.
 - The development proposed is demolition of existing garage, construction of two storey 1 bedroom attached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Subsequent to the decision on the appeal application, and the submission of this appeal, the council adopted the Local Plan 2016-2031 (on 17 November 2021) (LP21) which replaces the Core Strategy and the Development Control Development Plan Document. Relevant policies from the new plan have been supplied to me. I have taken the new Plan and its policies into account in determining this appeal.

Main Issues

3. The main issues in this case are: i) the effect on the character and appearance of the area; and ii) the effect on the living conditions of neighbouring occupiers.

Reasons

The effect on the character and appearance of the area

4. The appeal site is part of the side and rear garden of the host property on which there is currently a detached garage. The property is a 2-storey semi-detached house. It sits next to an area of public open space around which the housing development is set back, served by footpath access. This is part of a planned estate, a major feature of which is the open spaces at junctions and in areas like that immediately next to the appeal site. There is a general consistency in terms of scale and massing of two storey terraced and semi-detached dwellings.
5. The appeal proposal would stand in an oddly shaped plot due to the way the houses and garden areas are arranged, turning a corner, whilst leaving the

corner as part of the open space. In seeking to take most advantage of the available area, the proposed house has had to be set back from the building line of the host dwelling, with an added extension into the corner of the garden to provide sufficient internal space for the proposed accommodation.

6. The outcome of the proposal would be a contrived building form, at variance with the obvious character of the area, and one that would degrade the quality of the open space. The narrow building form, which would be accentuated by the forward projecting front door, would add to its conspicuous and cramped appearance. It would therefore be harmful to the character and appearance of the area.

The effect on the living conditions of neighbouring occupiers

7. It is the neighbouring property at No.122 that would be impacted by the proposed dwelling. That house has an irregularly shaped plot, due to the way in which the development was planned to turn the right-angle, and the diagonal curtilage boundary with the appeal property. This results in a relatively restricted rear garden that partly runs down the side of the house, immediately behind the appeal site. The closer proximity of the proposed house, compared to the host dwelling, would mean that overlooking and loss of privacy from the rear window at first floor would be more than a perceived impression, and there would be greater enclosure, reducing the quality of enjoyment of No.122's garden. I do not regard this shortcoming as going as far as affecting the occupiers at No.124, as suggested in the officer's report. Nevertheless, the proposal would be an unneighbourly development.

Other matters

8. The officer's report refers to the 2019 Housing delivery test which showed that in the borough only 33% of the required number of homes were delivered, and the appellant refers to the 2020 measurement of 36%. Potentially that gives rise to the 'tilted balance' referred to in paragraph 11(d) of the National Planning Policy Framework (the Framework). However, as mentioned at paragraph 2 above, the LP21 has since been adopted. This adoption followed from a recommendation that the Plan had been found 'sound' by the examining Inspector. That must mean that it conforms to the Framework, and therefore, in the present circumstances I cannot see that the 'tilted balance' is relevant.
9. Attention has been drawn to paragraph 124 of the Framework which supports the efficient use of land. The London Plan also promotes the intensification of existing residential areas. But these policies do not encourage over utilisation of sites with unsatisfactory development. There are other references to policies in the Framework and the London Plan and the council's policies that promote high quality design. But, for the reasons that I have referred to above, I do not consider that the proposal meets these policies.
10. I have also been given some detail of a planning permission granted on 2 November 2018 (reference P1243.18) for a 2-storey side extension to the host dwelling. It is said that the demolition of the garage amounts to a material start on this development and therefore the planning permission is still extant, and has the same footprint and similar appearance to the proposed house. It is thus suggested that it can be regarded as a 'fall back', a development similar to the appeal proposal.

11. The council point out that demolition can be carried out without planning permission (as a generalisation), and therefore the demolition of the garage cannot be regarded as a mechanism to keep that permission alive. Be that as it may, the extension to a dwelling is not the same as the creation of a separate house and household. Nor have I been provided with any explanation as to the likelihood of the extension being built. Therefore this permission, as a fall-back, does not lead me to a different conclusion. Nor is the 2-storey side extension that exists on No.118 material to my decision; it does not impinge into the pointed part of the it's curtilage, and it does not amount to a separate dwelling.

Conclusions

12. I conclude that the proposed house would be harmful to the character and appearance of the area and would have a harmful effect on the living conditions of neighbouring occupiers. No other matter outweighs these considerations, and these consequences justify the refusal of planning permission. Therefore the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR