



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: 10 May 2022

Appeal Ref: APP/B5480/W/21/3286031

83 Haynes Road, Hornchurch, RM11 2HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Thorogood against Havering London Borough Council.
 - The application Ref. P1494.21 was dated 24 July 2021.
 - The development proposed is 2 x two-storey 4-bed detached dwellings with associated parking and amenity space, involving demolition of existing dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for 2 x two-storey 4-bed detached dwellings with associated parking and amenity space, involving demolition of existing dwelling and garage at 83 Haynes Road, Hornchurch, RM11 2HS, in accordance with the terms of the application, Ref. P1494.21, dated 24 July 2021, subject to the conditions set out in the schedule at the end of this decision

Preliminary matters

2. This appeal was submitted on 2 November 2021. I am told that, on 12 November 2021, the council purported to issue a decision. Since at that date the jurisdiction had passed to the Secretary of State, that refusal notice can be of no effect as a determination of the planning application. However, it does serve to provide the basis of the council's objections to the appeal proposal, and I have proceeded on that basis.
3. The council's purported decision notice in this case made reference to policies of the Core Strategy and the Development Control Policies Development Plan Document Adopted in 2008 which has now been superseded. Havering Local Plan (2016-2031) was adopted on 17 November 2021 (LP21). There are 5 new policies now referred to by the council: policies 3, 7, 23, 24 and 26. Since these are the up-to-date development plan policies, it is appropriate that I consider the appeal against them.

Main Issues

4. The main issues in this case are: i) the effect of the proposed development on the appearance and character of the surrounding area; ii) the effect on the living conditions of neighbours at 81 Haynes Road and 34 Rowan Walk; and iii) the adequacy of the car parking arrangements for the southern of the proposed houses in terms of safe access and egress onto the highway.

Reasons

The effect of the proposed development on the appearance and character of the surrounding area

5. The appeal site is situated at the junction of Haynes Road with Rowan Walk, so that 1 dwelling faces onto Haynes Road, whilst the other faces Rowan Walk. The surroundings comprise a residential area with a mix of detached and semi-detached houses and bungalows, in a wide variety of styles. For the most part, in the area bounded by Haynes Road and Rowan Walk, the plots are of medium size, with many of the dwellings being closely spaced. There is no single design idiom apparent, and many roof forms are present, including gabled, hipped, mansard and a variety of dormers.
6. The proposed dwellings are of 2 different designs, having features common to both and to the area in general, such as bay windows and small dormers. They are representative of the scale of houses in the area and have adequate private garden areas. The main materials specified on the application form are brick and render, with concrete roof tiles. These materials are very commonly used in the area, and the precise detail could be required to be agreed by way of a condition.
7. There is a minimum of space proposed between the 2 houses, but as I have noted, the dwellings in the immediate area tend to be closely spaced: whilst the separation in this case is not ideal, it does not seem to me to be a matter that dictates the decision. In fact, it would only be when directly in front of the proposed houses, looking at the gap between them, that it would be readily apparent. For the most part they would appear to be semi-detached, which is a configuration found in the immediate area.
8. I consider that the proposed development would largely reflect the appearance and character of the surrounding area. There is comment that the proposed southern house would not respect the building line in Rowan Walk, but I do not place any significant weight on this, since this part of Rowan Walk only has No.34 fronting onto it, which does not amount to a regular building line. However, the adverse impact on the openness of this corner location arising from the proximity of the southern house to the back edge of the footway is a factor weighing against the scheme.

The effect on the living conditions of neighbours at 81 Haynes Road and 34 Rowan Walk

9. The bungalow at No.81 is set away from the boundary with the appeal site by a relatively wide driveway to the garage. That garage is attached to the bungalow about 8m back from the front of the dwelling. The entrance to the bungalow is set just forward of the garage door. The remainder of this flank contains a large window serving a living room. There is another window of similar size set in the front elevation which appears to serve the same room.
10. It is clear that the 2 storey flank elevation of the proposed house next to No.81 would change the character of the approach to the front door of the bungalow. The front corner of the proposed house (ignoring the garage element) would be set-off the common boundary by about 2m, but the rear corner would be situated on the boundary because the house is set at an angle. There would thus be a degree of enclosure imposed on the entrance area which is currently

quite open, in spite of the existing garage on the appeal site. This is undesirable, but I do not consider that it would affect the front living room already mentioned, and would not be so over-bearing on the entrance door that the living conditions of the occupiers of No.81 would be harmed sufficiently to warrant a refusal for this reason.

11. There would be a degree of overlooking to and from the first floor windows of the proposed houses and those in the flank elevation of No.34 Rowan Walk. I do not consider that this would give rise to an undue loss of privacy and overlooking. This appears to be the view of the officer as expressed in the fourth paragraph under the heading 'Impact on amenity'.

The adequacy of the car parking arrangements for the southern of the proposed houses in terms of safe access and egress onto the highway

12. The site has a PTAL of 1b – indicating poor access to public transport – and therefore the London Plan Table 10.3 standards are required. This mean 1.5 parking spaces per unit. The appeal scheme provides in excess of this, but the council observes that the individual site circumstances support such a need. It is the parking provision for the proposed house at the south of the site, on the junction of Haynes Road with Rowan Walk, that is the subject of the objection. Whilst this house would front onto Rowan Walk, the car parking spaces would gain access from Haynes Road.
13. I note that many of the existing houses in the vicinity of this junction appear to have parking facilities that require either reversing off the road, or reversing onto it. In particular, it appears from what I saw that No.34 Rowan Walk has parking accessed in this manner. It is suggested that this is a busy 'rat-run', but at my mid-week late afternoon visit I observed that neither Haynes Road nor Rowan Walk were busy. As far as Rowan Walk is concerned, the immediate location of the appeal site is at the point where vehicles from the north will have had to react to the bend in the road, immediately at the point of access to No.34, and will also have to anticipate the give way line at the junction with Haynes Road.
14. It appeared to me that there is the opportunity in the immediate vicinity for conflict with vehicles using domestic parking facilities and users already on the highway, but there is no evidence of conflicts resulting in accidents. In my judgement the fears are more theoretical than shown by experience, and I am not convinced that the proposed arrangement for car parking would prove to be a danger or inconvenience to road users, including pedestrians.
15. There is an additional concern about proposed landscaping shown on the application plans obstructing sight lines. This would be a real concern, but could be dealt with by control exercised through conditions dealing with landscaping and boundary treatment.

Conclusions

16. I have taken account of all other matters raised, but none outweighs the considerations that have led to my decision. The proposed development would largely reflect the appearance and character of the surrounding area and would not be detrimental to it, although the effect on the openness of the junction is not ideal, this does not justify a refusal of planning permission. Nor would the effect on the living conditions of neighbours at 81 Haynes Road and 34 Rowan

Walk be such as to warrant refusal. I have also formed the view that the car parking arrangements for the southern of the proposed houses are adequate in terms of safe access and egress onto the highway.

17. In addition, I have borne in mind the recent Housing Delivery Tests (HDT) for the borough and also the fact that the new Local Plan has been found sound. The latter must indicate that the Plan is in conformity with the National Planning Policy Framework, and therefore the 'tilted balance' that would arise from the HDTs appears not to be pertinent. Nevertheless, in the circumstances of a borough that is largely comprised of a rather dense urban area and substantial parts which are Green Belt, even 1 additional net dwelling has a part to play in meeting housing requirements when there are no over-riding planning policy objections.

18. In the light of the above considerations, I will allow the appeal.

Conditions

19. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; condition 4 is to ensure the provision of car parking to avoid risk to highway safety and inconvenience to highway users; conditions 5 and 6 are to ensure no loss of privacy to the neighbouring properties; condition 7 is to ensure that the development is well landscaped to the benefit of visual amenity and biodiversity; condition 8 is to reduce the risk of surface water flooding; condition 9 is to ensure that the boundaries of the curtilages are suitably enclosed to safeguard the privacy of occupiers and to reduce the risk of crime; condition 10 is to encourage sustainable modes of travel; condition 11 is to ensure adequate facilities are provided for the storage of refuse and for recycling; condition 12 is to ensure that control can be exercised over curtilage buildings so that there is no loss of amenity to neighbouring occupiers; condition 13 is to minimise and make the most efficient the use of mains water; condition 14 is to ensure that Part M4 (2) of the Building Regulations applies to provide choice for a diverse population; and condition 15 is to minimise disturbance and inconvenience to neighbouring occupiers during the course of construction. Conditions 7 and 9 will also allow control of fencing, planting, etc, so that sight lines to the parking spaces are not compromised.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans: drawing Nos.PL-5977_01, PL-5977_04, PL-5977_06, PL-5977_07, PL-5977_09, and PL-5977_10.
- 3) No works shall take place in relation to any of the development hereby approved above foundation level, until samples of all materials to be used in the external construction of the buildings are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
- 4) Before the dwellings hereby permitted are first occupied, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
- 5) The roof area of the single-storey side and rear projections of the proposed dwellings hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the buildings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 7) No development shall take place, other than demolition, until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 8) All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.

- 9) Prior to the first occupation of the proposed dwellings hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter.
- 10) No dwelling shall be occupied or use commenced until details of cycle storage are provided and approved in writing by the Local Planning Authority. The cycle storage as approved shall be permanently retained thereafter.
- 11) No dwelling shall be occupied or use commenced until refuse and recycling facilities have been put in place in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no development shall take place under Class A, B, C and D, E, Part 1, Schedule 2 of the Order unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 13) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 14) All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
- 15) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works, including any works of demolition; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.