
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: 16 May 2022

Appeal Ref: APP/B5480/W/21/3285690

60 Slewins Lane, Hornchurch, RM11 2BY

- 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 H Patel against the decision of Havering London Borough Council.
 - The application Ref P1559.21 dated 5 August 2021, was refused by notice dated 1 October 2021.
 - The development proposed is a single storey, 2-bed, detached dwelling with associated parking and amenity space, involving demolition of existing garage.
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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 Development Control Development Plan Document (DPD). 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.
3. Subsequent to the submission of this appeal, the appellant obtained a Certificate of Lawfulness of Proposed Use or Development. This certificate was granted for an outbuilding to be used as a games room, incidental to the enjoyment of the dwelling at No.60 Slewins Lane. The certificate was granted on the basis that the operations come within the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General permitted Development)(England) Order 2015 and therefore does not require planning permission.

Main Issues

4. The main issues in this case are: i) the quality of living conditions for future occupants of the proposed dwelling; ii) the effect of the proposal on the character of the area and the streetscene; iii) the effect on the rear garden environment; iv) the implications of the loss of car parking for the host dwelling.

Reasons

5. The appeal site is the bottom part of the rear garden of No.60 Slewins Lane. No.60 is situated at the junction of Slewins Lane with Cavenham Gardens, and

the proposed access to the development is an existing access, from Cavenham Gardens, to a garage that currently serves the host property. The surrounding development on Slewins Lane consists mainly of substantial detached and semi-detached 2-storey houses, whilst Cavenham Gardens has mainly terrace housing, also of 2-storeys.

The quality of living conditions for future occupants of the proposed dwelling

6. As noted above, the appeal proposal occupies part, somewhat more than half, of the back garden of the host property. It comprises a flat-roofed, single-storey building, a little over 3m high¹. It's rear, north-east elevation, towards the host dwelling, would occupy most of the width of the existing garden, and would be set at about 1m off the new dividing fence. The south-east elevation would also be set at about 0.75m from the boundary with No.62 Slewins Lane. The north-west boundary, with Cavenham Gardens, would be a similar distance from the boundary at the north-east end, widening to about 2m at the south-west end, at the vehicular entry.
7. In plan form, the main axis is rectangular, roughly on a north-east – south-west alignment, with a projecting element toward the garden of No.62. The north-east part of the proposed dwelling would be mainly occupied by an open plan area providing a living room, including kitchen. The open plan area would have no windows on 3 sides, but would have bi-fold doors opening to a patio and the garden in the short façade on the projecting section of the plan, although there would be a central rooflight. The rooflight would provide sufficient daylight, together with the by-fold doors, but the kitchen would effectively have no outlook from the working areas, and the living room only a single-aspect outlook through those doors. The bedroom windows would not provide an extensive outlook, being just over 3m from the fence, but there is no reason why this view could not be enlivened with planting. Bedroom 1 would have a second, long, narrow, vertical window, towards Cavenham Gardens.
8. In addition to the features dealt with above, the constrained internal space results in less than the minimum standard for built in storage in the bedrooms. Bearing in mind that this would be a dwelling with 2 double bedrooms, it would be likely to be occupied by a family, the apparent lack of space for general storage elsewhere in the house exacerbates the matter. This, taken with the rather enclosed and oppressive lack of outlook in the living room and kitchen, leads me to consider that the proposed dwelling would not provide high quality living conditions for future occupants, and does not meet the high standard of design required by the development plan policies and the National Planning Policy Framework (the Framework).

The effect of the proposal on the character of the area and the streetscene

9. In terms of the impact on the character of the area and the streetscene, apart from any view into the access to the parking area, it would only be the upper part of the front elevation that would be seen across the top of the perimeter fencing. Since this elevation is very close to the boundary, it would be readily visible in the streetscene, since its height would be 1m above a normal 2m boundary fence. I consider that, whilst curtilage structures can be as large under permitted development rights, this dwelling would appear incongruous, and at odds with the character of the area and the nature of the streetscene.

¹ All dimensions measured using the linear scale on drawing No. 1813/03 1:50 at A1

As shown on the drawings, there would be no apparent entrance to the house. This could no doubt be remedied, but that would be likely to increase the uneasy relationship with its surroundings.

10. The appellant suggests that the character in the vicinity of the site is one of single-storey structures, referring to the existing garage on site and the large adjacent garage which appears to serve No.64 Hazelmere Gardens. The garage to the host dwelling is relatively modest and set back from the highway. It does not present itself as a defining feature of the area. The large garage next to the site is hardly a reference feature for the character of the area, any more than the rather unfortunate view into the unmade access track and garages almost opposite. The character of the immediate area is almost entirely derived from 2-storey housing. This does not mean that an appropriate bungalow could not be inserted into the street scene: it is the cramped and inappropriate form of the appeal proposal which is harmful to the local character and streetscene. Looked at slightly differently, it is difficult to imagine the proposed dwelling being put forward with the removal of the roadside fence and an open frontage as presenting a development that fits in with, and enhances the locality.

The effect on the rear garden environment

11. Whilst the host dwelling would retain an adequate size rear garden, the appeal development would appear as a substantial intrusive element, contrary to the normal environment of the properties in Slewins Lane. Equally, it would be intrusive in the outlook from the neighbours to the south.

The implications of the loss of car parking for the host dwelling

12. The proposed development would cause the loss of the existing garage and parking area, currently one of the assets of the host dwelling, potentially adding to parking stress in the immediate area. The London Plan identifies that it should be easy for all disabled people to live and travel in London. There is no reason why, for the proposed dwelling, a disabled person's car should not be accommodated on the provided space. I can see that the front curtilage of the host dwelling could accommodate a parking space, which again could accommodate a disabled person's vehicle. However, the relationship of such a parking space to the junction would be less than satisfactory. On balance, this issue is not a reason to refuse the planning permission sought.

Other matters

13. The appellant has drawn attention to the unfavourable results of recent Housing Delivery Tests for the borough, pointing out that this brings the presumption in favour of sustainable development – the 'tilted balance' of paragraph 11(d) of the Framework – into play. As the appellant points out, there are 3 objectives of sustainable development: the economic, the social and the environmental.
14. Testing the appeal proposal against each of these, it would bring about a temporary level of employment during the course of construction, but in terms of, for instance, adding to a strong and competitive economy and viability of local facilities and services, in a borough such as Havering, this would be a minimal benefit. The social element would be the addition of a household to support vibrant and healthy communities, together with ensuring that a sufficient number and range of homes can be provided to meet the needs of

present and future generations. As far as the first of these is concerned, support for local communities would be unlikely to be other than very small, whilst the second point is clearly one in favour of the proposal, although a single dwelling is of minimal significance. Finally, there is the environmental objective, which in my judgement would be negative, bearing in mind my conclusion on the effect of the proposal on the character of the area and the streetscene, and that I cannot see that any benefit would arise to the biodiversity of the area.

15. Appeal reference 3267232 for a single storey dwelling in the rear garden of a house in Pettits Lane has been drawn to my attention. The general arrangement of that proposal was somewhat similar to that in this case, but there are significant differences, for instance with regard to fenestration, which leads me to conclude that there is little assistance provided in respect of the present case. Two other cases are mentioned, that were approved by the council, but again I consider that their different context means that they are not helpful.
16. The Certificate of Lawfulness of Proposed Use or Development obtained by the appellant for an outbuilding to be used as a games room, incidental to the enjoyment of the dwelling at No.60 Slewins Lane, that would not require planning permission under permitted development rights, could be taken as a 'fall-back' position that could be implemented in the event that the appeal is dismissed. On this point I am not persuaded that there is any real likelihood of this outbuilding being constructed, as it would serve a completely different purpose to the appeal proposal, and nothing has been put forward to show that there is a perceived need for it on the part of the appellant. I therefore place minimal weight on it as an argument to grant permission in this case.

Conclusions

17. Clearly there are public benefits to the appeal proposal which include the provision of a new dwelling, and the fact that it is on a small site, which policies in the London Plan and the Framework support. And quite clearly this is a sustainable location. However, when viewed against the 3 objectives of sustainable development, the extent to which weight can be attached to the 'tilted balance' is limited in light of the matters set out in paragraph 14 above. In addition there are other policies of the Framework that stand against the development such as those in section 12 'Achieving well-designed places', and in LP21, such as Policy 26 'Urban design'.
18. My overall conclusion is that, whilst the car parking situation does not weigh against the proposal, there would be deficiencies in the quality of living conditions for future occupants of the proposal, the effect of the proposal on the character of the area and the streetscene would be harmful as would the effect on the rear garden environment. These shortcomings are not outweighed by the benefits that I have identified and therefore the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR