



Appeal Decision

Site visit made on 19 August 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 SEPTEMBER 2022

Appeal Ref: APP/B5480/W/21/3286157

54 Faircross Avenue, Romford RM5 3UD

- 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 D Leone on behalf of Leone Contracts against the decision of London Borough of Havering.
 - The application Ref P1517.21, dated 29 July 2021, was refused by notice dated 7 October 2021.
 - The development proposed is 'Erection of new single storey, 1 bed bungalow to rear of 52/54 Faircross Avenue'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed their agreement to a change to the description of the development made by the Council in their decision notice. The change is minor but describes the proposal more clearly. I have therefore referred to the amended description in the banner heading above.
3. Following the Council's decision, the Havering Local Plan 2016-2031 (the Local Plan) was adopted in November 2021. This superseded the Core Strategy and Development Control Policies Development Plan Document (the Core Strategy), adopted 2008, referred to in the Council's decision notice. The Council has identified relevant Local Plan policies in their appeal statement, and maintain the decision is consistent with the objectives of these.
4. The Council also advise they wish to replace the Design for Living Residential Design Supplementary Planning Document (Residential Design SPD), adopted 2010, with the London Housing Design Guide (LHDG), published in 2010. The appellant has had an opportunity to comment further in light of the adoption of the Local Plan and reference to the LHDG. I have therefore disregarded the now defunct Core Strategy policy DC61 referred to in the Council's decision notice and have considered the appeal based on the relevant policies of the new Local Plan. I have also had regard to the LHDG as a material consideration.

Main Issues

5. The main issues are;
 - The effect of the proposal on the character and appearance of the area;

- The effect of the proposal on the living conditions of the occupiers of 52 and 54 Faircross Avenue, and future occupiers of the appeal site, with particular regard to outlook and privacy; and
- The acceptability of the proposed car parking provision, with respect to the Council's strategic approach to parking standards.

Reasons

Character and Appearance

6. The appeal site is located to the rear of 52 and 54 Faircross Avenue. The proposal would replace an existing detached garage with access onto Bartlow Gardens. Nos 52 and 54 are situated on a prominent corner plot at the junction of the two streets. The rear garden of No 54 is enclosed by a high fence, however pedestrian and vehicular access can be achieved through gates on Bartlow Gardens. Planning permission has been granted (LPA ref P1007.20) for the creation of a two-storey dwelling adjoined to the side of No 54.
7. The prevailing character of the area is one of two storey semi-detached and terraced dwellings in linear arrangements, with generous private amenity space to the rear. Hipped roof designs are common, with front facing gables and projecting bays in places. Finishing materials are predominantly render or pebbledash, in a variety of colours. Frontages are generally open with low boundaries, though often occupied by off-street parking spaces. Corner plots typically feature high boundary fencing or planting to the side. The single storey scale, elongated form and black weatherboard cladding of the proposed dwelling would therefore deviate considerably from dwellings surrounding it.
8. Existing outbuildings in the area are contained within generous rear gardens, screened by high fencing with only upper portions visible from the street, if at all. They clearly relate to an existing dwelling, generally do not address the street directly, other than garage accesses, and serve an ancillary function.
9. The proposed high boundary fencing would stop short of the front elevation and side access, exposing the proposed building to the street. The submitted plans also indicate parking for the approved dwelling adjacent to No 54 would run alongside the plot. This would create a larger opening to the side, further increasing the appeal proposal's visibility. In long views from further along Bartlow Gardens this is unlikely to have a significant presence. However, on approach to the site and when turning the corner from Faircross Avenue the proposal would appear as a notable incursion into the streetscene.
10. The partition of the host property at No 54 to create another dwelling would see the appeal proposal sitting behind a short terrace of three dwellings with modest gardens. It would be clearly separated by the formation of formal boundaries and of a size no longer commensurate with the smaller resultant plots. This would disassociate it from the host property. In addition, the provision of a separate access and parking, and a front facing bedroom window, would distinguish the proposal as a distinct self-contained unit. It would therefore not reflect characteristics of existing outbuildings in the area.
11. The provision of an additional dwelling in this location, in combination with the implementation of the extant planning permission, would result in three residential plots, in a prominent corner location, where currently there is only one. It would result in additional boundary enclosures, and the provision of

further exposed off-street parking to the front and side of the appeal proposal. These factors would give this part of the street scene a cluttered feel.

12. The proposal would therefore not read as a simple domestic outbuilding in a garden setting, but as a new dwelling, of an incongruous form and appearance, on a constrained site. This would detract from the prevailing character and appearance of the area as described above.
13. In respect of this main issue, I therefore find that the proposal would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policy 26 of the Local Plan which, amongst other things, seeks to ensure proposals complement distinctive qualities of the area, reinforce the local streetscene, respond to distinctive local building forms and patterns of development, and respect the established scale, massing, and rhythm of buildings and frontages.

Living Conditions

14. In respect of the living conditions of existing occupiers, both Nos 52 and 54 feature ground floor rear windows facing the appeal site, serving kitchen, and living spaces. I saw on site that the garden areas of both dwellings are already divided from the appeal site by a high boundary fence, however both remain reasonable in size. The proposed building would not sit directly behind the rear garden of No 52, and so the existing outlook from this property would not change considerably.
15. In respect of No 54, the length of the garden would be reduced further than it currently is, albeit marginally. Its width would also be considerably reduced if the extant permission for an additional dwelling were to be implemented. This would have the effect of considerably reducing the garden size of No 54 and increasing the level of enclosure for future occupiers. However, the overall size and length of the garden would provide a reasonable amount of separation from the proposed building. In combination with its single storey scale and hipped roof design, the proposal would therefore not appear overbearing for occupiers of these neighbouring properties.
16. In respect of the living conditions of future occupiers of the appeal site, the plot would be partly flanked by high fencing either side. However, the only directly affected windows would be a secondary kitchen window and an obscurely glazed bathroom window. The main outlook from the dwelling would be to the front across the street through the bedroom window, and to the rear across the garden through living room patio doors. To the rear, the proposed garden space is commensurate with the size of the dwelling. Given the generous proportions of rear gardens surrounding the site, the outlook from rear living accommodation and the garden space would not feel unduly enclosed. To the front, the outlook would be across parking spaces and the road, however outlook across parked cars and the street at ground floor is not uncommon and would not create a sense of enclosure.
17. In terms of privacy, having the sole bedroom of the dwelling located on the frontage at close distance to the street is not an optimal arrangement or characteristic of the area. Living accommodation fronting onto the street is not uncommon in an urban context, however. It is also noted there would be no other dwellings directly facing the site on the opposite side of the street. The perception of overlooking would therefore be low and any actual overlooking

would be transient in nature. Furthermore, the dwelling features sufficiently private internal and external spaces to the rear that would provide respite.

18. In respect of this main issue, I find that the proposal would not harm the living conditions of the occupiers of 52 and 54 Faircross Avenue, or future occupiers of the appeal site, with particular regard to their outlook and privacy. It would therefore be in accordance with policies 7 and 10 of the Local Plan. These policies, amongst other things, seek to protect the amenity of existing and future residents and prevent unacceptable loss of privacy or outlook.

Car Parking Provision

19. The proposal would provide two off street parking spaces. This would exceed maximum parking standards for this type of dwelling in this location, as set out in policy T6.1 of The Spatial Development Strategy for Greater London (the London Plan), adopted March 2021. In the form considered by the Council, the proposal would therefore be contrary to both policies T1 and T6.1 of the London Plan. These policies set out a strategic approach to parking standards, with the aim of encouraging greater use of non-car modes of transport.
20. However, the appellant has indicated their willingness to remove one of the spaces and replace it with soft landscaping to be retained in perpetuity. The Council indicate this would also require further works to the existing wide dropped kerb. Planning conditions to resolve these matters would therefore have been appropriate in this instance.
21. In respect of this main issue, I therefore find that, subject to appropriate planning conditions, the proposed car parking provision would be acceptable, with respect to the Council's strategic approach to transport, and the proposal would be in accordance with both policies T1 and T6.1 of the London Plan.

Other Matters

22. The Council has highlighted that the latest housing delivery test (HDT) results, published in January 2022, indicate that Havering has delivered only 46% of its housing requirement. The presumption in favour of sustainable development set out in paragraph 11(d) of the National Planning Policy Framework (the Framework) is therefore applicable. Paragraph 11(d) indicates that permission should 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. Sustainable development comprises economic, social, and environmental components.
23. The Framework seeks to significantly boost housing supply. It highlights that small sites can make important contributions to housing requirements and encourages the optimal use of underutilised land. The proposal would provide a temporary boost in employment during construction, redevelop land in an existing urban area, and contribute to housing delivery in the borough. Additional residents may contribute to the local economy and vitality of the community.
24. These benefits would be very modest however given the development's context and small scale. The Framework also highlights that good design is a key aspect of sustainable development. It seeks to ensure development is sympathetic to local character and the surrounding built environment. As

above, the proposal would have adverse impacts in the form of harm to the character and appearance of the area.

25. It is my view that the adverse impacts identified above would significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development, and this therefore does not outweigh the identified harm and development plan conflict.
26. While I have found no harm in relation to any matters other than the character and appearance of the area, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.

Conclusion

27. The other matters raised do not outweigh my conclusions on the main issues or the identified conflict with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR