



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: 15 SEPTEMBER 2022

Appeal Ref: APP/B5480/W/22/3290373

191-193 North Street, Romford RM1 1DT

- 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 Ms Sadaf Rab against the decision of the London Borough of Havering.
 - The application Ref P1460.21, dated 21 July 2021, was refused by notice dated 16 September 2021.
 - The development proposed is described as '4 residential units at the rear of 191-193 North Street'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Ms Sadaf Rab against the London Borough of Havering. This is the subject of a separate Decision.

Preliminary Matter

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 This superseded the Core Strategy and Development Control Policies Development Plan Document (the Core Strategy), adopted 2008, referred to in the Council's decision notice.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 these. The appellant has had an opportunity to comment further in light of the adoption of the Local Plan. 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.

Main Issues

4. The main issues are the effect of the proposal on;
 - The character and appearance of the area;
 - The living conditions of future occupiers of the proposed ground floor units, with regard to light and outlook.
 - The living conditions of the occupiers of neighbouring properties, with regard to privacy, outlook, noise and disturbance.

Reasons

Character and Appearance

5. The appeal site is located on a main road on the approach to Romford town centre. While the character and appearance of the area is somewhat varied, within vicinity of the site the predominant building form is semi-detached or terraced two storey properties of domestic scale and traditional appearance. However, many buildings along this part of North Street appear to have been converted from houses to flats or commercial uses. Contemporary flatted developments have also been built more recently or are under construction close to the site. Directly opposite the site is a large two storey bus depot.
6. The site itself sits on a prominent corner plot at the junction of North Street and Brooklands Approach. The existing building is two storeys with residential flats at ground and first floor. It features a dual pitched roof, and its scale and appearance are in keeping with neighbouring buildings. To the rear of the site is an enclosed garden area that has been cleared of any detached structures. Neighbouring properties either side feature similar sized garden areas. While some garden areas feature modest outbuildings, they otherwise appear largely undeveloped and, in some cases, feature considerable tree and shrub planting.
7. Immediately beyond the rear boundary of the site is an industrial and commercial area featuring various warehouse type buildings. I saw on site that this area features a mix of uses including a training centre, car repair garage, yoga studio and gym. It is understood planning permission has been granted for a 67-unit residential scheme (LPA ref P2075.17) behind the site. The full details of that permission are not before me, and I have little evidence of the likelihood of it being implemented. I have therefore considered the context of the area as it exists and cannot give any significant weight to other approved development that may or may not be implemented.
8. Planning permission has also been granted within the appeal site for a single storey building containing two flats (LPA ref P1287.16). The appeal proposal would be located at the rear of the site in the same location as the previously approved building. At ground floor, the proposal would fill most of the width of the site, albeit with a narrow gap to the side boundary with Brooklands Approach, and the rear boundary.
9. The proposal is considerably set back from North Street, behind the existing building, and its height is comparable to buildings around it. Given the site's relatively prominent position however, it would be conspicuous in passing along North Street. The design of the building itself is contemporary and diverges from existing buildings along the frontage, however given the variety of architecture in the wider area this would not be particularly visually harmful.
10. While the proposal is two storeys with a flat roof, its coverage of the site is comparable to the existing building. The comparative size of the proposal, its containment behind and proximity to proposed high boundary enclosures and the existing building would give the overall site a somewhat cramped appearance in views from North Street and the surrounding area. It would also erode the existing gap to the industrial buildings beyond, provided by the space to the rear of properties along North Street. The potential implementation of the large, consented scheme for 67-units beyond the site only increases the value in maintaining a sense of space and separation in this area.

11. While planning permission has previously been granted for a single storey structure in this location containing two flats, the appeal proposal is appreciably larger and so would have greater visual impact. The approved 67-unit scheme to the rear is considerably larger than the appeal proposal. The context of each site is notably different however, with the appeal proposal comprising development within the curtilage of an existing building.
12. In respect of this main issue, I find that the proposal would unacceptably harm the character and appearance of the area, contrary to Policy 26 of the Local Plan and the Design for Living Residential Design Supplementary Planning Document (Residential Design SPD), adopted 2010. This policy and the Residential Design SPD, amongst other things, seek to support proposals that respect and complement the qualities, identity and character of the site and local area, and respond to local building forms and patterns of development. The proposal is also contrary to Policy D6 of The Spatial Development Strategy for Greater London (the London Plan) which requires, amongst other things, that housing development be of high-quality design. The proposal also conflicts with paragraph 124 of the National Planning Policy Framework (the Framework), which indicates the desirability of maintaining an area's prevailing character and setting should be taken into account.
13. Policy D4 of the London Plan concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion, and so I do not consider it to be directly relevant in respect of this main issue at this stage. In their decision notice, the Council also refer to the Residential Extensions and Alterations Supplementary Planning Document, adopted 2011. The relevance of this to this main issue is unclear and so it is of limited weight.

Living Conditions of Future Occupiers

14. The appellant has indicated the site would be enclosed by high fencing and planting to ensure privacy for ground floor units. A daylight, sunlight & overshadowing assessment has been provided, which demonstrates living accommodation in each unit would receive adequate daylight. Notwithstanding this, given the proximity of the building to proposed boundary enclosures, the outlook from ground floor units would be limited to the sides and rear. In particular, the living/kitchen area, small bedroom and private amenity space of unit 1, and the rear bedroom of unit 2, would feel considerably enclosed.
15. In respect of this main issue, I find that due to the poor outlook afforded to ground floor units, the proposal would result in unacceptable harm to the living conditions of future occupiers of those units. The proposal is therefore contrary to Policies 7 and 10 of the Local Plan which, amongst other things, seeks to protect the amenity and quality of life of future residents by ensuring a high-quality living environment. It is also contrary to Policy D6 of the London Plan, which states development should maximise the usability of outside amenity space, amongst other things. The proposal also conflicts with paragraph 130 of the Framework, which seeks to ensure a high standard of amenity for future users, and guidance in the Residential Design SPD, which indicates habitable rooms should contain at least one main window with an adequate outlook.

Living Conditions of Neighbouring Occupiers

16. The proposal would include living accommodation windows and external amenity space at ground and first floor on the front elevation facing the

existing building on site. It is understood the ground and first floors of this building are in residential use. The separation distance between the two would be limited and so this would have a harmful impact on the privacy of the occupiers of the existing building (191-193 North Street), though would not considerably harm their outlook.

17. The proposed plans indicate the existing vehicular access to the side would be utilised, resulting in intensification of its use. The proposal would not result in a considerably greater amount of vehicle movements than the consented scheme for two flats, however. Overall, due to the site's proximity to the town centre and public transport alternatives, and the number of units proposed, vehicle movements would be low and unlikely to result in material harm to the living conditions of occupiers of Nos 191-193, due to undue noise and disturbance.
18. Separation distances to neighbouring buildings either side at 185 and 195 North Street are appreciably greater and oblique. While the proposal includes balconies at first floor, these are set away from the boundary of neighbouring gardens and views would also be oblique and partially screened. On balance therefore the proposal would not cause material harm to the privacy of occupiers of Nos 185 and 195 due to overlooking, or the perception of overlooking. Similarly, given the set back of the proposal from neighbouring boundaries and relatively modest height owing to its flat roof design, the proposal would not appear overbearing or cause material harm to the outlook from neighbouring gardens at Nos 185 and 195.
19. With respect to this main issue, I find that the proposal would unacceptably harm the living conditions of occupiers of neighbouring properties, namely 191-193 North Street, with regard to privacy. The proposal is therefore contrary to the Residential Design SPD and Policies 7 and 10 of the Local Plan which, amongst other things, seek to protect the amenity of existing and future residents and prevent unacceptable loss of privacy. The proposal also conflicts with paragraph 130 of the Framework, which seeks to ensure a high standard of amenity for existing users.

Other Matters

20. 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. While acknowledging these results, the Council contend that in light of the adoption of the Local Plan in November 2021, this figure should be revised up to 81%. The Council advise they have formally requested that the official HDT result be reviewed accordingly.
21. Irrespective of this, by their own admission the Council cannot currently demonstrate a 5-year housing land supply. As indicated in footnote 8 of the Framework, paragraph 11(d) 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.
22. 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, reuse a currently vacant

- site, and contribute to housing delivery in the borough. Additional residents may also contribute to the local economy and vitality of the community. These benefits would be modest however given the small scale of the development.
23. 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, with a high standard of amenity for existing and future users. The proposal would introduce a larger area of soft landscaping into the site, where currently there is little. There would also be a marginal increase in natural surveillance. However, as above, it would have considerable adverse impacts including harm to the character and appearance of the area and living conditions of existing and future occupiers.
24. It is my view that the adverse impacts identified above would significantly and demonstrably outweigh the 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.
25. My attention has been drawn to various other residential developments in the vicinity of the site that the appellant considers weighs in favour of the proposal. The full details of each of these are not before me. Based on the information that has been provided however, there appear to be notable differences to the appeal case. Each example given is set within a different context. The existing and proposed developments referred to on Riverside Close are for considerably more units, and efforts appear to have been made to position buildings, windows, and boundary enclosures to reduce direct overlooking and provide less restricted outlook. The example of approved development at 88-89 North Street appears to show direct overlooking between two bedroom windows at close distance. The full details of the circumstances of this case are not before me however, and this would not in itself justify the identified harm in this case. Ultimately, each application must be considered on its own merits.
26. I acknowledge that residential development in this location may be acceptable in principle and the proposal may be compliant with various other provisions of the development plan. I have found no harm in relation to any matters other than the character and appearance of the area and living conditions of existing and future occupiers, with regard to those issues set out above. However, 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