



Appeal Decision

Site visit made on 18 August 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 SEPTEMBER 2022

Appeal Ref: APP/B5480/W/22/3292679

15 Victoria Road, Romford RM1 2JT

- 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 J Akhtar against the decision of London Borough of Havering.
 - The application Ref P1344.21, dated 6 July 2021, was refused by notice dated 16 November 2021.
 - The development proposed is 2 no. 1 bedroom residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 This superseded the Core Strategy and Development Control Policies Development Plan Document (the Core Strategy), adopted 2008. The Council referred to the emerging policies of the Local Plan in their decision notice and the statements of both parties refer to the new Local Plan. I have therefore disregarded the now defunct Core Strategy policy DC61 referred to in the Council's decision notice.

Main Issues

3. The main issues are:
 - Whether the proposal would provide satisfactory living conditions for its future occupiers, with particular regard to privacy and outlook; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

4. The proposal is situated to the rear of the site, between the existing semi-detached two storey building at the front and a high brick wall that defines the boundary of the adjacent train station at the back. The plot is long and narrow. Along the eastern boundary is a large single storey building, understood to be in use as a gym. Along the western boundary is a high fence with a car park beyond. Both proposed units would have windows and patio doors in the front and rear elevations of the building, serving the main living spaces.
5. The lounge and dining area of the ground floor unit would look directly onto a modest enclosed outdoor amenity space at the front. The outlook from this

room would be of the high boundary fencing and planting of the outside amenity area, the rear wall and shutter of the host building immediately beyond and the sizeable roof of the adjacent gym. The external space would be enclosed by the combination of boundary treatments, proximity of adjacent buildings and a large tree at No 13. The southern aspect of the unit would receive a reasonable amount of direct sunlight however the level of enclosure would limit outlook from this garden. Internally, this poor outlook would be exacerbated by the elongated nature of the living space and lack of secondary windows.

6. The bedroom on the opposite side of the ground floor unit would, at close distance, face directly onto the tall brick wall of the station, which extends the full height of the proposed building. While planting would soften the view somewhat, the outlook would be dominated by this wall and the adjacent gym building. The external space would feel substantially enclosed and would also be considerably overshadowed much of the time given its position north of the unit. For the same reasons, the bedroom would also suffer from a poor outlook.
7. Both external spaces at ground floor would be overlooked by the unit above, albeit obliquely. While such relationships can be found in dense urban settings, in combination with the other identified constraints this would further erode the quality of this private amenity space.
8. The lounge, dining and kitchen area of the first-floor unit would not suffer from the same level of enclosure and poor outlook as the ground floor unit. The internal living space and balcony would benefit from a good amount of light due to its elevated position, southern aspect, secondary window and roof lights. The bedroom and associated balcony however would again have a poor outlook to the rear dominated by the station wall. The inset first-floor patio doors and window, which accommodate the integrated balcony, would exacerbate the sense of enclosure and further restrict the outlook from the bedroom.
9. There would be potential for a degree of overlooking of the bedrooms and rear external spaces of both units from the adjacent station platform at times, though this would be transient in nature and somewhat oblique. Views towards other areas of the units would be significantly screened or otherwise at considerable distance.
10. In respect of this main issue, I find that the combination of constraints identified above would fail to provide satisfactory living conditions for future occupiers, with particular regard to privacy and outlook. The proposal is therefore contrary to Policy 7 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 Spatial Development Strategy for Greater London (the London Plan), adopted March 2021, which states development should maximise the usability of outside amenity space, amongst other things.

Character and Appearance

11. Victoria Road runs parallel to the main train station and is characterised by a mix of commercial and residential uses. A variety of building forms and scales can be seen. The existing building at the appeal site and those adjacent are traditional in appearance, two storeys in height and domestic in scale. Ground floor frontages are generally in commercial use along this stretch of the road.

12. On the north side of the road, in the vicinity of the appeal site, plots are typically deep and stretch to the railway boundary at the rear, which is dominated by the high brick wall. In many cases, the space to the rear appears to be used as parking or for other commercial purposes. Development to the rear or stretching the length of plots is common, particularly to the east. The narrowness of the appeal site and plots adjacent, and extent of development along the frontage, restricts views through to the rear from Victoria Road.
13. The proposed development features a narrow modest frontage, is two storeys in height and significantly set back from the footpath. Although the proposal is elongated and fills a significant proportion of the plot, in plan form this is not uncharacteristic of development in the area. In the context described above, it would not appear as a prominent or incongruous feature in the street scene or otherwise detract from the prevailing character and appearance of the area.
14. In respect of this main issue, I therefore find that the proposal would not harm the character and appearance of the area and is in accordance with Policy 26 of the Local Plan. This policy, amongst other things, seeks to support proposals that respect and complement the qualities, identity and character of the site and local area, respond to local building forms and patterns of development, and respect the scale, massing, rhythm and height of the surrounding context.

Other Matters

15. The Council suggest the current position regarding their supply of housing is uncertain but, in their statement, have adopted the position that paragraph 11(d) of the National Planning Policy Framework (the Framework) is 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.
16. 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, use vacant land in an existing urban area with access to transport and services, 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 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 has a high standard of amenity for existing and future users. As above, the proposal would have considerable adverse impacts by failing to provide satisfactory living conditions for future occupiers.
17. 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.
18. I acknowledge that residential development in this location is 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 living conditions of future occupiers. 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.

19. My attention has been drawn to a recent appeal for residential development allowed at 29-33 Victoria Road (ref APP/B5480/W/18/3198021), which the appellant considers weighs in favour of the proposal. The full details of that case are not before me. However, from the decision it is noted the proposal was for considerably more units, and the inspector apportioned significant weight to the contribution this would make to meeting local housing need. Notably, the inspector did identify a harmfully poor outlook for occupants in north facing bedrooms. It was concluded overall that this only affected a small proportion of the scheme, and the vast majority of the development would provide a high standard of amenity for future occupiers. The same cannot be said for the current appeal proposal where both units would have a poor standard of accommodation. There are therefore material differences between the cases and each appeal must be considered on its own merits.

Conclusion

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

Ryan Cowley

INSPECTOR