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# Appeal Decision

Site visit made on 4 October 2022

**by R J Redford MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 October 2022**

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**Appeal Ref: APP/B5480/W/21/3289316**

**58A Billet Lane, Hornchurch RM11 1XA**

- 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 Michael Breden of Spaces Architecture Ltd against the decision of the Council of the London Borough of Havering.
  - The application Ref P1007.21, dated 20 May 2021, was refused by notice dated 7 October 2021.
  - The development proposed is the demolition of existing dwelling with replacement building of 5 x 2 bedroom units & 1 x 1 bedroom unit with associated parking and amenity.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. For clarity and precision, I have amended the description by replacing the word bed with bedroom.
3. In November 2021 the Council adopted a new local plan, The Havering Local Plan 2016-2031 (Local Plan). The Residential Design Supplementary Planning Document has also been withdrawn. The Council have confirmed which policies are now in place and the appellant has had opportunity to comment on both the superseded and adopted policies. I have therefore referenced the adopted policies in my decision.

## Main Issues

4. The proposal before me follows a previous permission, reference P0781.19, which approved 5 units in a replacement building. Although full details of this have not been submitted, the officer report has set out the differences between the 2 schemes. Amongst other things the proposal is for a larger building, including increases in depth, eave height, and width; and a different design and layout, including a change in roof form. Nothing before me contradicts this, so I am satisfied the differences between that proposed and that previously approved are great enough for relevant matters to be considered afresh.
5. The main issues are, therefore, the effect of the proposed development on a) the character and appearance of the rear garden scene, b) the living conditions of the occupants of No 60 Billet Lane with specific regard to outlook, and c) whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to outdoor space, room heights, and for unit 4, outlook.

## Reasons

### *Character and Appearance*

6. The appeal site is within a row of 5 large, 2 storey, detached dwellings all with reasonably large and mature gardens. Although there is some variance, the rear elevations of these properties are broadly inline. Notably different is the large, single storey rear extension on 58 Billet Lane, which is currently being used by a dental practice.
7. To the rear of these properties is a row of smaller, semi-detached properties with more compact gardens. Therefore, the green break provided by the rear gardens of the detached dwellings, inclusive of the appeal site, is a distinct quality of the area, forming part of the local character, creating a verdant and relatively open appearance, particularly above ground floor level.
8. The proposal would extend the appeal property into the rear garden at full height with a further single storey element beyond. This would approximately half the existing garden size. The proposed height and volume of the new building would, therefore, create a visual and physical intrusion into the green break to the detriment of the appearance of the rear garden scene.
9. It is appreciated it would be adjacent to the extension at No 58, which takes up most of the garden space. However as this is only single storey it still allows views across it from above ground floor level. The height of the proposal would not allow such views. It would create a large mass within the green break, which would be detrimental to the otherwise open character of the rear garden scene.
10. Consequently, the proposed development would harm the character and appearance of the rear garden scene. It would not comply with Local Plan Policy 26; the Residential Extensions and Alterations Supplementary Planning Development (SPD), the London Plan 2021 and the National Planning Policy Framework (the Framework), specifically paragraph 130, insofar as they seek to ensure new development respects and complements local distinctiveness, character and appearance.

### *Living conditions – 60 Billet Lane*

11. No 60 has a large conservatory to the rear and is set behind a single storey glazed roof extension which extends along the shared boundary with the appeal site. There are some mature shrubs between the 2 properties, but these are not overly tall or dense so only provide limited screening between the properties. However, as the appeal property is also set away from the shared boundary a sense of spaciousness and openness is retained toward the rear of each dwelling.
12. The main bulk of the proposal, specifically the 2 storey side elevation with mansard roof, would be positioned close to the shared boundary and extend beyond the rear of No 60's conservatory. It would be a largely blank brick elevation and would be significantly taller than the existing fence and shrubbery. This would physically and visually encroach on the rear of No 60, reducing the characteristic openness of the rear gardens.
13. It would enclose the outlook for users of the garden area immediately behind No 60 and when looking out of the rear facing windows. It would also reduce

the light and airy nature of the side extension and conservatory as it would overwhelm the visual aspect provided by the glazed roofs. I therefore find the proposal would have an oppressive effect on the existing open outlook from the rear of No 60.

14. The proposal would, therefore, significantly harm the living conditions of the occupants of 60 Billet Lane with specific regard to outlook. This would be contrary to Local Plan Policy 7 and 26, the SPD, the London Plan 2021 and paragraph 130 of the Framework insofar as they seek to protect the living conditions of existing and neighbouring occupants through high design quality.

#### *Living conditions – Future occupants*

15. It is proposed that 6 units would be created, 2 on each floor and 2 within the mansard roof. The 2 ground floor units would have access to private garden areas, and unit 4 on the first floor would have a private balcony. All occupants would have access to the communal garden.
16. The proposed communal outdoor space would be adequate in size, but the proposal fails to provide any private outdoor space for 3 of the units. This would mean, in the case of the 2 units within the proposed roof space, the occupants would have to travel down 2 flights of stairs and walk all the way around the building to access the communal outdoor area. This would not be especially convenient or functional for future occupants and would be a poor substitute for private provision. I therefore find that the proposal would not provide adequate private outdoor space which would be harmful to the living conditions of future occupants.
17. London Plan Policy D6 requires that the minimum floor to ceiling height must be 2.5m for at least 75 percent of the gross internal area of each unit. The plans show that the ceiling height of both the ground and first floor units would be 2.45m. It is appreciated that the proposed 6 units would comply with all other space standards. To rectify the shortfall of 5cm in height per floor would have a negligible effect on the overall dimensions of the proposed building, therefore, I am satisfied this could be dealt with by amendment or condition.
18. The Council assert the 2m high privacy screening around the proposed balcony for unit 4 would be detrimental to the living conditions of the future occupants of that unit. However, from the submitted plans the proposed privacy screening would only be to the side of the balcony and wrap along the frontage by 1m. This is proportionally only a short section of the balcony's length and would not significantly impact views out of the windows facing onto the balcony. I therefore find the proposal would be able to provide adequate outlook for the future occupiers of proposed unit 4.
19. In summary, the failure to offer any private amenity space for 3 of the 6 units would mean the proposal would not be able to provide acceptable living conditions of future occupiers. This would be contrary to Local Plan Policy 7 and London Plan D6 and paragraph 130 of the Framework, insofar as they seek to ensure high quality living environments for residents of new developments.

#### *Other Matters*

20. The appellant states there was a lack of proactive discussion through the application stage. This is an administrative matter and should be raised with

the Council. It does not, however, impact the planning merits of the case before me.

### *Planning Balance*

21. The Council has confirmed it cannot achieve the requirements of the Housing Delivery Test. Therefore, the presumption in favour of sustainable development outlined in paragraph 11(d) of the Framework is engaged. With no evidence to the contrary, I agree with this position.
22. The proposal would provide, reasonably quickly due to its small scale, a net increase of 5 dwellings in a reasonably sustainable and accessible location. This along with the associated economic and social benefits contributing to housing delivery would attract modest weight based on the number of houses involved.
23. Nevertheless, as set out above, I have found significant harm in relation to the character and appearance of the rear garden scene, and to the living conditions of occupants of 60 Billet Lane and future occupants of the proposal. Therefore, the adverse impacts granting planning permission would have would significantly and demonstrably outweigh the benefits when assessed against the Framework when taken as a whole. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.

### **Conclusion**

24. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

*RJ Redford*

INSPECTOR