



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: 27 October 2022

Appeal Ref: APP/B5480/W/21/3288042

64 Victoria Road, Romford RM1 2JH

- 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 C & L Self Development Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref P1638.21, dated 19 August 2021, was refused by notice dated 25 October 2021.
 - The development proposed is described as alterations and extensions of existing property to provide a mixed use development comprising 5 new residential units and ground floor commercial (Class E) space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended plan, 3587:04A, has been submitted to rectify an error on the previous version, 3587:04. The plan does not materially alter that proposed, the main parties are aware it and this has not prejudiced any of them.
3. Since the submission of this appeal the Havering Local Plan 2021 (Local Plan) has been adopted, superseding the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. The Council have also withdrawn the Residential Design Supplementary Planning Document. The main parties have had opportunity to comment on these changes, and I have made my decision considering the up dated policies in the new development plan.

Background and Main Issues

4. A unilateral undertaking, dated 23 March 2022, has been submitted by the appellant to restrict future residential occupants of the proposal from applying for parking permits. The Council have acknowledged this and that it overcomes the sixth reason for refusal on the decision notice. On review of the undertaking, I am satisfied this is also the case.
5. The main issues are, therefore, a) whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to security, and in relation to plot 1, outlook and privacy; the effect of the proposed development on b) the living conditions of occupants of 62 Victoria Road with specific regard to outlook and light; and c) the character and appearance of the area.

Reasons

Living conditions – future occupants

6. The proposal would create 5 residential units, described as plots 1 -5. All would be accessible from King Edward Road, with plots 2-5 sharing a communal access just behind the commercial unit. Plot 1 would have an independent access positioned further along King Edward Road and provide accommodation across 2 storeys including a first floor balcony and a partially covered ground floor outdoor space. It would also have 2 living spaces on the ground floor. 1, would include the kitchen, be single aspect and have all windows obscure glazed excepting small top lights. This would provide no outlook for the users of this room.
7. The second would have similarly glazed windows along one elevation and a glazed wall at one end. Although the glazed wall would provide an external view, it would be constrained by the roof of the partially covered outdoor space beyond. Due to the narrow and elongated proportions of this room, along with the stairwell positioned part way through it, the outlook from the glazed wall would also be limited to the small portion of the room closest to it. The generous proportions of the 2 living spaces do not mitigate for the insular, oppressive, and enclosed atmosphere such a lack of outlook would create.
8. The proposed windows of both living spaces would abut the pavement, which is reasonably narrow and would be further restricted when on-street parking is permitted (evenings and Sundays, as noted on site). This, along with the narrowness of the 2 living spaces, would mean users of the pavement would be in immediate proximity of the occupants of plot 1. The proposed obscure glazing would prevent passers-by from looking in, but their closeness would be perceived as their shadows would fall across the windows as they passed. Similarly, should the window lights be open, activity and conversation would be clearly audible both from within plot 1 and from the pavement. Such a visual awareness, interchange of sound and the associated disturbance, would not provide adequate privacy, both actually and perceptually, for future occupants.
9. The glazed wall would have defensible space in front of it and this could be landscaped in such a way as to ensure screening from the pavement and the access to the car park of 58-62 Victoria Road. Nevertheless, the lack of outlook and privacy from the pavement facing windows, would have a significantly detrimental impact on the living conditions of future occupants of plot 1.
10. The proposed larger overall size of plot 1 and the unique site characteristics are noted, however these do not mitigate the inadequacies in outlook and privacy.
11. The proposed accesses to the residential units would be recessed, providing space away from the pavement edge. Although not protruding from the building, their locations would be identifiable due to the design cues within the associated elevation. Recessing of accesses is a reasonably common treatment in purpose built multi-unit developments. The proposed recesses would be wider than they are deep and would be larger than the access doors they serve, allowing space to manoeuvre and a refuge from the pavement, when waiting to enter or preparing to leave.
12. The Council have concerns relating to the safety of the recessed accesses in this location, due to potential anti-social behaviour. In the evidence before me

this conclusion is not justified. The Council's Designing Safer Places Supplementary Planning Document, states the Council would formally consult Havering Police in relation to planning applications, including all other residential applications involving multiple dwellings, such as this proposal. Nevertheless, there is no response from the Police, nor any other indication that this road has issues with anti-social behaviour.

13. In my observations King Edward Road appears reasonably busy with pedestrian and vehicular traffic accessing the nearby residential properties and town centre. The road is visually open and properties and street furniture along it are in good condition, with no obvious signs of vandalism. Due to their design the proposed recesses would be clearly visible to road users and passively overlooked by other residential properties along the street. As such, I am not convinced they would constitute a safety concern. In relation to matters relating to safety and security of future occupants only, the proposal would, therefore, comply with London Plan Policy D3 and Local Plan Policy 26.
14. Consequently, although the proposal could provide adequate security for all future users, it would fail to provide adequate outlook and privacy for future occupants of plot 1 which would have a significantly harmful effect on their living conditions. The proposal would not, therefore, comply with London Plan Policies D3 and D6, Local Plan Policy 7, and paragraph 130 of the National Planning Policy Framework (the Framework), insofar as they seek to protect the living conditions of future residents from unacceptable loss of outlook and privacy.
15. The Council's inclusion of London Plan Policies D4, D5 and D11 are erroneous as they do not relate to the living conditions of future occupants but rather seek to ensure design scrutiny, inclusivity within design, and resilience in an area wide emergency. As such these policies are not determinative in my decision on this matter.

Living conditions – 62 Victoria Road

16. 58-62 Victoria Road constitutes a 3 storey building with ground floor commercial units and 3, 2 storey residential units above. The residential units are accessible by a stairway from the car park to the rear, and No 62 is the unit closest to the appeal site. The rear elevation of the 3 residential units has a relatively open aspect overlooking the car park and the residential gardens beyond. However, the outlook from No 62 is compromised by the large flue from the commercial unit beneath it, and the side elevation of the appeal property. It is noted the appellant refers to a flue relating to the appeal site, but on visiting the site this appears to be located to the rear of the appeal building and not the rear of No 62.
17. The proposal would increase the bulk and mass of the side elevation by approximately doubling its depth and increasing its height by 2 storeys. Although larger than the existing side elevation, the impact on the outlook from the door, and bathroom window above, of No 62, would not be so significantly different from the current situation. However, the proposal would also impact the outlook from the other rear facing windows in that property. It would be visually obvious and would significantly narrow the breadth of outlook from the rear of No 62, which would have an overbearing presence on all its rear facing windows. This would reduce the outlook for occupants of that property significantly and therefore harm their living conditions.

18. It is appreciated that the outlook for residential properties within urban and commercial environments can be more constrained. It does not, however, automatically follow that a further reduction in outlook should be considered acceptable or can be offset by the benefits the appellant ascribes to town centre living. The poor repair of the appeal site is unsightly, and the re-development would likely neaten the site visually, including within views from No 62. However, the view is only part of outlook, which also takes into consideration the physical as well as visual impact on a space.
19. Due to the broadly southerly orientation of the rear elevation of No 62, its width, and the relationship with the existing building on the appeal site, I am satisfied the proposal would not significantly affect the amount of daylight and sunlight available to the occupants of that property to the detriment of their living conditions. This position is supported by the appellant's Daylight, Sunlight and Overshadowing Assessment, and there are no objections to its conclusions.
20. Nevertheless, the proposal would significantly harm the living conditions of the occupants of No 62 in relation to outlook and this would not comply with London Plan Policy D3, Local Plan Policy 7 and paragraph 130 of the Framework, in so far as they seek to protect the living conditions of existing residents from unacceptable loss of outlook.

Character and appearance

21. Victoria Road is a busy transitional road between Romford town centre and the surrounding residential hinterland. It has an urban character with defined building lines and properties up to 4 storeys high. There is a mix of commercial units at street level, the majority of which have residential units above. The appeal site is located at the junction with King Edward Road, beyond which the character becomes more residential and suburban. There is still a strong building line, but properties are averaging 2 storeys, although there are several developments with 3 storey elements.
22. The appeal site forms a discrete, end of block unit, which is narrow and elongated. It has frontage along both Victoria Road and King Edward Road, and the access to 58-62 Victoria Road's car park to the side. The proposal reflects the dimensions of the site, emphasising the corner with the 4 storey element of the scheme. It would visually replace the existing building in its entirety both in form and design. Nevertheless, it would retain the strong building line along Victoria Road, ensuring the corner is still defined and would be a similar height to much of the frontage block it is part of. The modern functionality of the proposed design is simple and although not aspirational would not detract from the overall mixed character of buildings along this part of Victoria Road.
23. The proposed treatment of the 4 storey element along King Edward Road would relate well to the corner location and improve the visibility of the commercial unit. The recessed balconies and verticality of the fenestration adds visual interest and relief to the otherwise horizontal emphasis of the glazed commercial unit, flat roof, and length of this elevation.
24. The proposed 2 storey element replicates the more suburban style of the nearby short terraces and closely positioned semi-detached pairs. The cadence created by the regular window positioning and the hipped roof would match the more traditional proportions and form of those nearby properties. Although the

- proposal would clearly constitute 2 parts, the material palette, detailing, and window shapes ensure continuity across the scheme.
25. The proposal would reinforce the full block width of the existing building on both road facing elevations and is unapologetically urban as per its location. As such the lack of landscaping to the street elevations is not out of character for the area. The size, width and depth of the entrances are proportionate to the building form and their recessed position provides visual respite in the King Edward Road Elevation, emphasised by the buildings detailing above. As such their appearance would be appropriate to the proposal and the surrounding area. The overall proposal would, therefore, provide a reasonable, visually appropriate, and proportioned solution for the site.
26. Turning to whether the proposal would sterilise the development of the adjacent site, Nos 58-62, and thereby affect the character and appearance of the local area. Amongst other things, Local Plan Policy 10 sets out what is considered prejudicial to future development of neighbouring sites, namely a lack of consideration to all land that has potential development; a requirement for multiple accesses to adjacent small plots of land; and the landlocking of other potential development sites.
27. The appellant has confirmed that discussions with adjacent landowners were unsuccessful, and there is nothing before me stating otherwise. The discrete nature of the appeal site is evident in its simple shape and its redevelopment would not limit or prejudice the existing access into Nos 58-62's car park nor would it require multiple new accesses to be created.
28. The blank elevation facing Nos 58-62 would ensure any future development of that plot would not be prejudiced by an unacceptable impact on the potential future occupants of the appeal site. There is also nothing before me which confirms there is a realistic opportunity for such a combined development to come forward, either by specific policy, supplementary guidance, or any other mechanism. I do not, therefore, consider that the independent redevelopment of the appeal site would sterilise future development opportunities for Nos 58-62.
29. Consequently, the proposed development would not harm the character and appearance of the area in compliance with Policy D3 and D4 of the London Plan 2021; Local Plan Policies 7, 10, 26, and 27; paragraphs 119 and 130 of the Framework and the London Plan Housing Supplementary Planning Guidance insofar as they relate to design quality, character, and appearance.
30. The Council referred to London Plan Policy D1, which sets out how local character should be considered in Development Plans; and Policy D8 which refers to public realm; and Local Plan Policy 3 which relates to housing supply; and Policy 35 which relates to waste management. I have however not referred to them above as they do not appear to be directly relevant to character and appearance of the area.

Other Matters

31. The potential impact on local residents in relation to the number of new multi-unit residential developments in the vicinity are noted but do not alter my findings on the main issues.

Planning Balance

32. The main parties agree that paragraph 11(d) of the Framework is engaged. There is dispute as to whether this is due to a lack of housing supply or a failure to achieve the requisite percentage within the Housing Delivery Test. In either case it is evident that the Council is failing to achieve relevant targets for housing provision and so paragraph 11(d) is engaged.
33. The proposal would provide 5 dwellings, reasonably quickly due to its small scale, on previously developed land in a sustainable and accessible location. This along with the associated economic and social benefits contributing to the Council's five year housing land supply would attract modest weight based on the number of houses involved. However, I cannot afford any weight to the appellant's assertion that potential development land within the Borough is highly constrained by Green Belt as no evidence to support this has been submitted.
34. Whilst I have found the proposal acceptable in relation to its impact on the character and appearance of the area, this absence of harm would be neutral in the planning balance. As would the retention of the commercial space and the proposed visual improvements to the appeal site itself.
35. The Council have drawn my attention to Local Plan Policy 5. This sets out the preferred housing mix for new developments, with a substantial emphasis on homes with 3 or more bedrooms. It is expected that 80% of market housing in new developments should be of this size. This policy has recently been scrutinised against the Framework within the adoption of the Local Plan, and in light of paragraph 11(d) of the Framework being engaged. As such I am satisfied its requirements are justified, so compliance with it would carry substantial weight.
36. It is noted that the floorspace of plot 1 would be large enough to provide a 3 bedroom dwelling, however how this could be achieved, whilst overcoming the afore mentioned harm to outlook and privacy, is not obvious. Therefore, the scheme before me does not provide any units with 3 or more bedrooms and this weighs substantially against the proposal.
37. This, along with the adverse impacts granting planning permission would have on the living conditions of future occupants of proposed plot 1 and the occupants of 62 Victoria Road, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

38. 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