



Appeal Decision

Site visit made on 8 November 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/B5480/W/22/3299147

19 Spey Way, Romford RM1 4YP

- 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 Tobi Aszszustakowski against the decision of the Council for the London Borough of Havering.
 - The application Ref P1914.21, dated 1 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is described as "Demolition of side extension and garage and construction of a new dwelling with private amenity and off street car parking, new dropped kerb, extension and porch to donor house and loft conversion."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, the appellant at Part E of the appeal form, refer to an alternative description of the development. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original planning application.

Main Issues

3. The main issues are the effect of the proposal on:
 - Character and appearance of the area; and
 - Highway safety.

Reasons

Character and Appearance

4. The appeal site is located on a prominent corner at the junction of Spey Way and Moray Way in Romford. The surrounding area is residential and characterised by mainly two storey semi-detached properties in a traditional design. Many properties have been altered and extended overtime, particularly on corner plots, however despite this variation, there is a regular rhythm to the houses. The appeal property sits within a small cluster of similar dwellings located on corners, which all exhibit single storey side extensions. This cluster occupies a prominent and important position in the locality, which emphasises the semi-detached nature and low-density character of the area.

5. The proposal seeks to provide a new dwelling on the flank elevation of No 19 Spey Way, comprising a hipped roof and 2 x two-storey rear extensions, also with hipped roofs, significantly increasing its bulk and mass. The proposed side and rear extensions would be extremely visible in the area due to its prominent position, and would dominate the donor property, resulting in a bulky appearance to its detriment. Furthermore, the increase in the scale of the development, particularly at the second floor and roof levels on the rear, would appear visually dominant and would unbalance the existing semi-detached pair, creating the appearance of a small terrace, which would be out of keeping in an area of mainly semi-detached buildings.
6. Whilst the proposed roof height would be equivalent to the existing roof, the proposal would substantially increase the side and rear roof profiles. In doing so the proportions of No 19 would be detrimentally altered, and the increased massing at roof level would be a significant visual change. The resultant development would be too large in relation to the adjoining dwelling and the surroundings, and would cause harm to the local character, building proportions and form.
7. The appellant draws my attention to other corner properties in the vicinity that have been extended and incorporate two-storey side extensions, notably at Nos 1, 2 and 11 Spey Way and 1 Moray Close. However, these examples appear more subservient to the respective donor properties than the proposal, as they are all set back from the main elevation, appearing as a domestic extension rather than a bulky competing element like the new dwellinghouse proposed here. Furthermore, none of these properties have been extended at the rear second floor or roof level, and the extensions appear in proportion with the donor dwellings and the surroundings, unlike the appeal proposal. As such the bulk and massing are not directly comparable.
8. The appellant also draws my attention to an existing terrace example close by, granted planning permission¹ by the Council, highlighting that whilst uncommon in the surrounding area, terrace properties can, and have been incorporated successfully. Whilst it is acknowledged that this development provides a terrace property at a corner plot, this example is more in scale with the original property and does not incorporate the significant bulk and massing proposed here, particularly on the rear elevation and at roof level, and again is not directly comparable. Furthermore, this limited example does not provide an overriding influence over the character of the area or street scene.
9. Consequently, the proposed development would, for the reasons above, not respect and compliment the distinctive qualities of the area given the significant increase in bulk, scale and mass, coupled with the provision of a terracing form of development at odds with its locality, and thus would harm the character and appearance of the surrounding area. Accordingly, it would be contrary to Policies 7 and 26 of the Havering Local Plan 2016-2031, adopted November 2021 (HLP), which among other things require development to be of a high quality and to respect and enhance local character. The proposal would also fail to comply with Policies D3 and D4 of the London Plan, March 2021 (LP), which amongst other things, seek to secure high quality development responding to the existing character without compromising local distinctiveness. The proposal would also conflict with guidance from paragraph

¹ London Borough of Havering Planning Ref: P2041.16

130(c) of the National Planning Policy Framework 2021 (the Framework) which advises that new development should be sympathetic to local character.

Highway safety

10. The Council raise concerns in respect to highway safety and the provision of the off-street parking for the new dwelling being within 10m of the junction of Spey Way and Moray Way. The proposed off-street parking for two vehicles on the forecourt could be large enough for its purpose, however visibility at this access with respect to vehicles approaching from the northeast would be limited. I have no evidence in respect to the provision of sightlines or swept path analysis. Consequently, given that insufficient information has been presented, I must adopt a precautionary approach in respect to highway safety, and find that it has not been demonstrated that parked vehicles could exit the property without detrimental effects to pedestrian and highway safety.
11. As a result, I must conclude that the proposed dwelling would have a potentially unacceptable and harmful effect on highway safety by reason of inadequate parking provision. This would be contrary to HLP Policy 23 and LP Policy T4 which among other things seek to improve road safety. The proposal would also be contrary to Paragraph 111 of the Framework as it has not been adequately demonstrated that there would not be an unacceptable impact on highway safety.

Other Matters

12. The Council have indicated that there is some uncertainty over the housing land supply at present and are currently seeking clarity from the Department for Levelling Up, Housing and Communities in respect of the recently adopted HLP and its stepped housing targets. The appellant concludes that this uncertainty indicates a failure in meeting housing need. Given this uncertainty, the presumption in favour of sustainable development as outlined in Paragraph 11 of the Framework should be engaged.
13. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, 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, or specific policies in the Framework indicate development should be restricted.
14. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in meeting its housing targets. There would only be limited benefits in the provision of a single new dwelling and given the harm that I have identified in respect of the character and appearance of the area and highway safety, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, including its presumption in favour of sustainable development.

Planning Balance

15. Bringing together my conclusions on the main issues I have had regard to the public benefits of the appeal scheme, in that the proposal would provide an additional dwelling. I am in no doubt as to the positive value of some of these

matters and I recognise that the appeal proposal may well accord with various other development plan policies. However, neither the benefits of the scheme nor these other matters provide clear and convincing justification to outweigh the harm identified above in respect to character and appearance of the area and highway safety and justify allowing the appeal.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR