



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: 19 December 2022

Appeal Ref: APP/B5480/W/22/3294402

1 Herbert Road, Hornchurch RM11 3LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bhogal against the decision of the Council for the London Borough of Havering.
 - The application Ref P1921.21, dated 6 October 2021, was refused by notice dated 14 December 2021.
 - The development proposed is described as "Outline Planning Permission for demolition of existing house at 1 Herbert Road and erection of 2no. detached dwelling houses (with all matters reserved apart from access)."
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Decision

1. The appeal is allowed and planning permission is granted for outline planning permission for demolition of existing house at 1 Herbert Road and erection of 2no. detached dwelling houses (with all matters reserved apart from access) at 1 Herbert Road, Hornchurch RM11 3LA in accordance with the terms of the application, Ref P1921.21, dated 6 October 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application was in outline with all matters reserved except for access. I have had regard to the location and block plans (drawings 21-022/01 and 21-022/02) and layout plans (drawing 21-022/03), but have regarded all elements of these drawings as indicative apart from the details of the access. The Council have assessed the application on this basis, and I have done the same.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the character and appearance of the area, and whether the proposal would provide adequate living conditions for potential occupants, with regard to privacy.

Reasons

Character and appearance

4. The appeal site occupies a prominent corner plot at the junction of Herbert Road and Yevele Way in Hornchurch within the Emerson Park Policy Area (EPPA). The surrounding area is a residential neighbourhood, with varying styles of properties, albeit these are generally large, detached houses sitting in generous plots. Despite the variation in style, there is a distinct rhythm and feel to the street.

5. Emerson Park is a mature and pleasant residential district as defined in the Emerson Park Policy Area Supplementary Planning Document (EPPA SPD), with Sector 6 being typified by medium and large dwellings in spacious and well landscaped grounds. The EPPA SPD requires development to be in keeping with the massing and architectural style of the surrounding properties to avoid a cramped appearance in the streetscene. As such, the guidance requires a minimum space of 1m from an adjoining common party boundary at ground floor level, or 2m at first floor level and also requires a minimum plot width of 23m.
6. Both the proposed new dwellings would adhere to this guidance and the indicative drawings before me highlight that the minimum plot width of 23m would be provided at both the road frontage and building line in accordance with the EPPA SPD. Despite being a reserved matter, the indicative layout drawings highlight that the subdivision of the plot could also provide adequate amenity space for both units, and in this regard would be consistent with Policy D6 of the London Plan, March 2021 (LP) which requires sufficient private outdoor space to meet the requirements of new residents. As such the proposal would not appear cramped and the overall appearance would be in keeping with the open pattern between dwellings of the area, and the grand feel to the houses which is an important factor of the spaciouly sized plots defining the character.
7. There is a distinct horizontal emphasis to the buildings in the area, as many of the properties occupy a significant proportion of the plots but are generally limited to two storeys. Whilst appearance has been reserved, the indicative drawings highlight that the width of the properties would adhere to the horizontal vernacular of the area, and should not provide an overly vertical appearance. As a result, the proposal would not appear bulky or harm the spacious feel and nature, which characterises this residential area.
8. The appeal has taken significant design cues with regard to site layout from the property at No 2 Yevele Way on the opposite corner. Whilst the Council consider this as an isolated development undertaken prior to the EPPA SPD guidance, the property nevertheless provides a large, detached, single family dwelling that respects and complements the distinctive qualities and identity of the local area. From the details before me, a similar design solution could be achieved here, that would respect the size, setting and arrangement of development in the area, subsequently adhering to the aims and objectives of the EPPA SPD guidance and Policies 10 and 26 of the Havering Local Plan 2016-2031, 2021 (HLP).
9. The proposal would not therefore harm the character and appearance of the surrounding area. As such, it would be consistent with the guidance in the EPPA SPD and would accord with HLP Policies 10 and 26 which amongst other things, requires all new development to provide adequate amenity space for existing and new dwellings, and achieve high quality design respecting distinctive qualities, identities and being compatible with development in the surrounding area.

Living conditions for potential occupiers

10. Appearance and layout are reserved matters, nevertheless the indicative drawings highlight that the proposed dwellings could be orientated with the flank elevation of Plot 1 adjoining the rear elevation of Plot 2, in order that

proposed windows need not face one another directly. As such, direct overlooking between the proposed dwellings could be mitigated to reduce any potential loss of privacy between these properties.

11. Consequently, the proposal would not unacceptably harm the living conditions of any potential occupants at the appeal site with particular regard to privacy. The scheme would be compliant with HLP Policies 7, 26 and 34 which amongst other things, are concerned with housing quality and protecting residential amenity. The proposal is also consistent with Paragraph 130(f) of the Framework which, amongst other things, also seeks a good standard of amenity for all existing and future occupants of buildings.

Other Matters

12. Interested parties have raised concerns on various grounds including overlooking and privacy, development density, being out of keeping, impacts on trees, construction impacts, increase in traffic, highway safety and previous Inspector decisions. Where I consider those matters are material to my decision, I have reached conclusions on them in the main issues.
13. In terms of the development density, the Framework requires a significant boosting of the supply of homes and the LP emphasises the importance of small sites in meeting housing needs. As such the proposal would make a modest but valuable contribution to the provision of housing required by the London Borough of Havering.
14. With regard to the effect of overlooking on existing residents, given the position of Plot 1 is similar to the existing property at No 1 Herbert Road, it is unlikely to result in any additional overlooking in excess of that currently experienced. With regard to Plot 2, the indicative drawings highlight that the orientation would be similar to existing properties in Yevele Way, and from the evidence before me, an internal solution could be achieved to avoid unacceptable overlooking between Plot 2 and the existing properties.
15. Given that landscaping is a reserved matter, any perception of overlooking could be further avoided through the provision of suitable landscaping. These reserved matters could include the retention of existing trees and provision of new planting to provide adequate screening of the gardens and would also provide ecological enhancements.
16. With regard to the previous Inspectors decision¹ I have not been presented with the full details of that case, and I note that this decision is of some age. Furthermore, the local and national policy framework in which decisions are taken has changed substantially since 2001, and this lessens the weight I attach to that decision.
17. In regard to an increase in traffic and impact on highway safety, this will understandably be a source of inconvenience and frustration to residents. However, there is little substantive evidence to suggest that the effects of the development would make these circumstances materially worse or that they would have a materially harmful effect on traffic or highway safety.
18. I have considered the concerns relating to construction disruption and these can be mitigated through the use of an appropriate condition.

¹ Appeal Ref: APP/B5480/A/01/1060079

Conditions

19. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary for the sake of consistency, brevity, clarity and to ensure that they meet the tests in the Framework.
20. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. It is necessary to require compliance with the submitted plans, but only in relation to access as this is not a reserved matter. I have also imposed a condition for a Construction Method Statement which is necessary to submit prior to the approved development commencing. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for visibility splays to be approved and maintained.
21. I have not attached conditions in respect to materials, landscaping, boundary treatments, car parking, cycle store, refuse and recycling as these relate to the reserved matters, as such a condition in this case is not necessary. Nor have I imposed conditions on meeting Building Regulations M4(2) requirements, noise from plant and machinery during construction, details of surface water drainage or water efficiency as it has not been explained by the Council that other existing regulations and controls do not satisfactorily deal with these matters. As such, those suggested conditions are also unnecessary.

Conclusion

22. For the reasons given above, having regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 21-022/01, 21-022/02 and 21-022/03 (but only in respect of those matters not reserved for later approval).
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling
- 6) The development hereby permitted shall not be occupied until details of the junction between the proposed parking area and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
- 7) No shrubs, trees or other vegetation shall be allowed to grow above 1.05 metres in height within the sight lines approved under condition 6.
- 8) No structure or erection exceeding 1.05m in height shall be placed within 43m to the west or east of a sight line from the centre of the access as shown on approved under condition 6.