



Appeal Decision

Site visit made on 1 November 2022

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/B5480/W/22/3298083

196 Abbs Cross Lane, Hornchurch RM12 4XR

- 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 Rakesh Sondhi against the decision of the Council of the London Borough of Havering.
 - The application Ref P0009.22, dated 5 January 2022, was refused by notice dated 13 April 2022.
 - The development proposed is 2 Storey House from land rear 196 Abbs Cross Lane RM12 4XR to 7 Bethany Close Hornchurch RM12 4QD.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a 2 Storey House from land rear 196 Abbs Cross Lane RM12 4XR to 7 Bethany Close Hornchurch RM12 4QD in accordance with the terms of the application, Ref P0009.22, dated 5 January 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. Notwithstanding the address above, which has been taken from the application form, the appeal site relates specifically to land at the rear of 196 Abbs Cross Lane, Hornchurch RM12 4XR. The Council has assessed the application on this basis, and I shall do the same.
3. 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.
4. The planning application was submitted in outline with all matters reserved. However, I have had regard to the site and location plans (drawings 196-001-OS Rev 1 and 196-02-A3-Ex Rev I), the elevations (drawing 196-03-A1 Rev I), and layout plans (drawing 196-02-A3-Pro Rev I) and have regarded all elements of these drawings as indicative only. I have determined the appeal on this basis.

Main Issues

5. The main issues relevant to this appeal are the effect of the scheme on the character and appearance of the area, and the living conditions of existing occupants of No 196 Abbs Cross Lane with particular regard to privacy.

Reasons

Character and Appearance

6. The appeal site is located at the rear of the host property at No 196 Abbs Cross Lane which is a terraced house located in a residential area in Hornchurch. The host property has a long, narrow garden to the rear, adjoining a small cul-de-sac (Bethany Close) which consists of a small terrace of six recently built two storey houses accessed via Abbs Cross Lane. To the rear of the site is the Parkhill and Sunrise Estate which is partly under construction and consists of several high-rise flatted developments.
7. The indicative drawings highlight that the proposed development would be a two-storey dwellinghouse, of a similar height, scale and mass as those on Bethany Close and would respect the existing building lines at the front and the rear of the adjoining property at No 6. The main elevation of the proposed dwelling would be seen from Bethany Close, and the proposal would form an additional unit in this terrace, albeit detached. Nevertheless, visually it would not significantly alter the streetscene, as the overall feel would resemble the more tightly arranged terrace, and due to its respectful scale and form would not appear unduly prominent, cramped or out of keeping in the surrounds.
8. The positioning of the proposal within the plot would provide a rear garden, akin to the size of the adjoining terrace properties in Bethany Close and would also provide an adequate front garden space. Furthermore, the subdivision of the existing garden at the host property would be similar in length and width to that of the rear gardens at Nos 198 – 208 (evens) Abbs Cross Lane and would not appear out of keeping in that regard. The provision of adequate amenity space would be consistent with Policy D6 of the London Plan, March 2021 (LP) which requires sufficient private outdoor space to meet the requirements of the number of residents.
9. When viewed from Parkhill Close the proposal would appear as a two-storey development set within the context of the existing terrace at Bethany Close, and while detached the proposal would resemble the overall scale, form and mass of the terrace and in this respect would not appear out of keeping. Furthermore, the scheme would also provide a single storey rear garage that would be accessed via Parkhill Close to the rear, although access is a reserved matter. Consequently, in visual terms the appeal would appear similar to the existing garages and outbuildings at the rear of Abbs Cross Lane particularly when viewed from Parkhill Close, and in keeping with the area.
10. The proposal would not therefore harm the character and appearance of the surrounding area. As such, it would accord with the principles of Policies 10 and 26 of the Havering Local Plan 2016-2031, adopted November 2021 (HLP) 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. It would also adhere to Paragraph 130(c) of the National Planning Policy Framework 2021 (the Framework) which, amongst other things, seeks design to be sympathetic to local character and setting.

Living conditions

11. The indicative drawings highlight that there would be windows at the first-floor level facing the rear elevation and the rear garden at the host property at No 196. The Council is concerned that these windows would provide direct overlooking between properties due to the internal arrangements and constraints of the plot at the appeal site. Having regard to the nature of the proposal and its relationship to adjoining properties, I consider that an alternative internal solution could be achieved to mitigate overlooking between these properties, or that further measures such as obscured glazing could be secured through the imposition of appropriate conditions.
12. Furthermore, the existing distances between the properties fronting Bethany Close and the rear elevations and gardens in Abbs Cross Lane have previously been found as acceptable with respect to overlooking and privacy. Given the similarities in terms of distance, between the appeal scheme and host property when compared with the existing terrace, the proposal is unlikely to result in an unacceptable harm to the living conditions of the adjoining occupiers at the host property through loss of privacy.
13. For the reasons above, the proposal would not unacceptably harm the living conditions of existing occupants of No 196 Abbs Cross Lane with particular regard to privacy. The scheme would be compliant with HLP Policy 7 which amongst other things, is concerned with housing quality and protecting residential amenity. The proposal would be 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

14. I have noted the findings of the previous Inspector¹ who in dismissing an appeal at the site found that there was harm to the living conditions for future residents of the new property and occupants of the host property; and harm to the character and appearance of the area. Whilst there are similarities between the schemes, unlike the dismissed scheme, the appeal before me is orientated towards Bethany Close rather than Parkhill Close. Furthermore, given the indicative nature of the plans noted above, the internal arrangements and layout (subject to reserved matters) could be designed to further mitigate any potential impact on living conditions of existing and future occupiers. As such these schemes are not directly comparable. Nevertheless, I have determined the appeal in this context and on the basis of the proposal and evidence before me now.
15. Interested parties have raised concerns on various grounds including loss of light, privacy, sense of enclosure, overbearing and dominant development, out of keeping with the streetscene, construction impacts, increase in traffic, highway safety and land ownership. Where I consider those matters are material to my decision, I have reached conclusions on them in the main issues.
16. In terms of land ownership, a section of land required to provide separate access to the front garden and access to the property itself, is not currently under the ownership of the appellant. It would be for the appellant to acquire the necessary right of access to be able to implement any permission.

¹ Appeal Ref: APP/B5480/W/19/3231303

17. In regard to daylight/sunlight the proposal would be located to the north of the dwelling at No 6 Bethany Close and as such it is unlikely to have a significant impact on loss of light through overshadowing. Furthermore, No 6 has two upper floor windows, both are obscured glazed suggesting that these are non-habitable rooms, and as such the proposal would not be harmful to the living conditions of the occupants of this property. Similarly given the location adjoining the flank elevation of No 6, the proposal is not considered overbearing or would provide an increased sense of enclosure, given the existing relationship with Bethany Close.
18. The scheme provides a suitable level of off-street parking with the incorporation of the single storey garage at the rear providing two off-street parking spaces and access is a reserved matter. Concern has been expressed locally regarding the effect of the proposal on traffic levels and highway safety including loss of parking along Bethany Close, this will understandably be a source of inconvenience and frustration to residents. Given the proposal would meet the required off-street parking standards, and there are no parking restrictions in this road I have no evidence before me 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.
19. I have considered the concerns relating to construction noise and disruption. However, these would be short-term effects and they could be mitigated through the use of a condition requiring construction works to be undertaken in accordance with a Construction Method Statement. This would control matters such as working hours and construction operations.

Conditions

20. No suggested conditions have been received from the Council and as such I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. In the interests of highway safety and the living conditions of neighbouring residents I have imposed a requirement for a Construction Method Statement which would need to be approved prior to the approved development commencing.
21. I have not attached a condition to require compliance with the submitted plans as these are indicative only, as all matters are reserved, as such a condition in this case is not necessary.

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 access, 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) 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