



Appeal Decision

Site visit made on 7 November 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/B5480/W/22/3290943
24 Horndon Road, Romford RM5 3EP

- 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 S Ali against the decision of the Council of the London Borough of Havering.
 - The application Ref P1417.21, dated 16 July 2021, was refused by notice dated 25 October 2021.
 - The development proposed is a single-storey 2-bed, semi-detached bungalow with associated parking, amenity space, and basement.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the new Havering Local Plan ("the HLP") on 17 November 2021. At the same time the 2008 Core Strategy and Development Control Policies DPD, the policies of which had been referred to in the decision notice, was withdrawn. Both main parties' appeal submissions were made in the light of the relevant new policies; in my reasons below I have referred to the policies of the HLP rather than the previous plan.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposed development on trees; and
 - Whether or not the proposed dwelling would provide acceptable living conditions for future occupiers, with particular regard to outlook and a sense of enclosure.

Reasons

Character and appearance

4. The appeal site is No 24 Horndon Road, an end-terraced house, and its rear garden (including an electricity substation). The long rear garden extends to, and is accessible by gates from, Takeley Close. The surrounding area is primarily, although not exclusively, residential; while most of the dwellings in

the area are similar in age, style and scale to No 24 Horndon Road there are also several examples of more recent dwellings (whether individually or in groups) which give the neighbourhood some diversity of character and appearance.

5. The appeal proposal is for the subdivision of the rear garden to create a separate plot at the Takeley Close end of the site (and which would be accessed from that street), upon which would be erected a two-bedroom dwelling. This would have a living room, kitchen, bathroom and bedroom at ground floor level, and a bedroom and bathroom at basement level. The new dwelling would be around 10.6m deep by 6m wide, with a flat roof approximately 3m above the ground level. It would be set between the Chatter Bugs Day Nursery, at the corner of Mowbrays Road and Takeley Close, and the relatively modern neighbouring dwelling No 1A Broxted Terrace¹.
6. The front elevation of the dwelling would be set around 1.5m behind the boundary of the substation compound. The side elevation would extend alongside the boundary with the rear garden of No 1A but, given its limited height (which would be comparable to the numerous outbuildings of various sizes which are visible in many of the rear gardens in the area) it would not be a dominant or overbearing structure. While the dwelling would not be built to the same line as No 1A, that property in turn is not built to quite the same line as Nos 1 and 2 Broxted Terrace further south on Takeley Close, so there is not a consistent building line to follow. In any case, because of its modest height, the distance by which it would be set back from the highway, and the screening provided by the fences around the substation, the proposed dwelling would be a relatively insignificant feature in the streetscene of Takeley Close.
7. Overall, the form and appearance of the proposed dwelling would be similar to the recent development on the rear part of No 1 Mowbrays Road to which the appellant drew my attention² and, while it would be closer in scale to the numerous outbuildings in the area than to most of the other housing, this would not set it at odds with the prevailing character of the neighbourhood.
8. I therefore conclude that the development would not be harmful to the character and appearance of the area. The proposed development would comply with Policy 26 of the HLP and Policy D3 of the London Plan 2021, which among other things seek to ensure that the layout, scale, form and appearance of development is appropriate to the local area.

Trees

9. The Council's officer report stated that the proposed development would lead to the loss of an existing tree "located to the front/side of [the] site", and although it acknowledged that "it is not clear whether the tree is located within the redline area of [the] site", the Council considered it likely that "the tree might not survive after the construction of the proposed development even if not removed". The Council's stance was not based on carrying out a site visit, but on an oblique aerial view of the site obtained from Google Maps.
10. From the Google Maps image supplied by the Council it was apparent that the tree referred to was within the Chatter Bugs site rather than the appeal site. By

¹ No 1A Broxted Terrace faces, and is accessed from, Takeley Close, and was referred to in the Council's officer report as 1A Takeley Close.

² LPA Ref: P1421.16)

the time of my site visit, the tree had been removed. I did not see any trees either within the appeal site or close to the boundary which would be likely to be adversely affected by the proposed development.

11. I conclude that the development would not cause unacceptable harm to trees. There would therefore be no conflict with Policies 10, 26 and 27 of the HLP; among other things these policies seek to ensure that development (including backland and garden development) is well-designed, and protects existing landscape features and green infrastructure.

Living Conditions

12. The ground floor bedroom window at the front of the dwelling would be around 1.5m from the electricity substation's boundary fence. The outlook from that window – whether onto the existing fence or a replacement – would be constrained and unattractive, and the fact that the sky would be visible above the substation would provide little alleviation. The master bedroom on the lower ground floor would have a window and bi-fold doors opening onto a below-ground courtyard; the outlook from within the room would be onto the retaining walls, and again this would be constrained and unappealing.
13. I acknowledge that the main living room would have a pleasant outlook over the rear garden, and also that there is nothing in the development plan which specifically seeks to avoid basement accommodation. However, in a dwelling designed to accommodate four people it seems to me that the bedrooms would be likely to be used as spaces for work and leisure as well as simply for sleeping. While there may well be "less expectation of expansive outlook from bedrooms", as the appellant puts it, the very limited outlook which the proposed bedrooms in this scheme would offer would nevertheless be likely to fall short of most peoples' reasonable expectations.
14. The appellant again drew my attention to the development at No 1 Mowbrays Road, and in particular House 3 ("H3") of that scheme which has three bedrooms at basement level, all of which open onto shallow courtyards and retaining walls. The matter of the quality of the outlook from those rooms was not addressed in the Council's officer report. I was able to view H3 during my site visit, and although I did not enter the building from what I could see externally those rooms would provide occupiers with a very limited outlook. While that scheme has been permitted by the Council it does not, in my view, provide a justification for allowing unacceptable living conditions elsewhere.
15. The Daylight, Sunlight and Overshadowing Assessment which accompanied the planning application indicated that the bedrooms would receive acceptable levels of daylight (though only just, in the case of the bedroom on the lower ground floor) and that the development would not cause any unacceptable loss of daylight or sunlight for neighbouring occupiers. It is also apparent that the proposed dwelling would exceed the minimum space standards set out in the development plan. Nevertheless, that the proposal would be acceptable in these respects would not negate the harm caused by the poor outlook from the bedrooms.
16. I conclude that, because of the limited outlook and subsequent sense of enclosure within the bedrooms, the proposed dwelling would not provide acceptable living conditions for future occupiers. The development would therefore conflict with Policies 7 and 10 of the HLP and with Policy D6 of the

London Plan 2021; among other things these policies seek to ensure that development provides a high standard of amenity for future occupiers.

Planning Balance and Conclusion

17. The Council's evidence acknowledged that the 2021 Housing Delivery Test ("HDT") results, published on 14 January 2022, showed that it had met only 46% of its housing requirement over the three-year period to 2021. The Council went on to comment that, on the adoption of the HLP in November 2021 a "stepped" housing target had been set which applied retrospectively; under this the Council had delivered 81% of its housing target between 2018 and 2021. It also stated that it is carrying out an "immediate" update of the local plan and a review of its housing trajectory in order to establish its housing land supply position.
18. As a consequence of these actions, the Council has requested that the government recalculate its HDT results. However, there is nothing before me to indicate whether or not the government has acceded to that request. In line with Footnote 8 of the National Planning Policy Framework ("the Framework"), I therefore consider that the most important policies for determining the appeal should be considered out of date, and the presumption in favour of sustainable development set out in Paragraph 11d) of the Framework applies. As such, planning 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.
19. The proposed development would provide a single new dwelling, on a site where development could be brought forward quickly. Given the very small scale of the scheme, this would represent a modest social and economic benefit. The development would also be acceptable in terms of its effects on the character and appearance of the local area, and on trees. However, it would not provide acceptable living conditions for future occupiers. As such, there would be conflict with the provisions of Chapter 12 of the Framework which seek to achieve well-designed places; in particular the proposal would not accord with the requirements of Paragraph 130 which, among other things, seek to ensure that development provides a high standard of amenity for future users.
20. Overall, I consider that the harm from the development significantly and demonstrably outweighs the benefits when assessed against the Framework taken as a whole. The proposal would not amount to sustainable development in the terms set out in the Framework. The appeal is therefore dismissed.

M Cryan

Inspector