



## Appeal Decision

Site visit made on 12 January 2023

**by L Hughes BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> February 2023**

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**Appeal Ref: APP/B5480/W/22/3306143**

**24 and 26 Brooklands Gardens, Hornchurch RM11 2AE**

- 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 and Mrs Robert Youngs against the decision of the London Borough of Havering.
  - The application Ref P0564.22, dated 8 April 2022, was refused by notice dated 19 July 2022.
  - The development proposed is an outline application for the demolition of existing garages and conservatory, single storey flat roofed and two storey part pitched roof rear extensions, loft conversions with two front roof lights and 1 rear flat roof dormer with a stair light plus the creation of a small basement to each of the existing houses, erection of a 4 storey 4-bed terrace house between two existing end terrace properties retaining a gap between the terraces plus off-street parking for all three properties with vehicle crossovers.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is in outline for all matters to be determined apart from landscaping. Therefore, I have regarded any landscaping details as indicative for the purposes of my Decision.
3. I note that the appellant has cited policy DC61 from the Havering Core Strategy and Development Control Policies Development Plan Document (2008) to support their case. However, that policy is no longer extant, and therefore I have not had regard to it in making my assessment.

### Main Issues

4. The main issues are the effect of the proposed development upon:
  - the character and appearance of the area, with particular regard to scale and form;
  - highway safety; and
  - the street tree outside No. 26 Brooklands Gardens.

## Reasons

### *Character and appearance*

5. Numbers 24 and 26 Brooklands Gardens are both 2 storey end-terrace dwellings with a gap in between. No. 24 has a detached shed to one side, and No. 26 has a single storey side extension and rear conservatory. They share a large rear garden, and have shallow front garden areas each with a parking space. The land falls away at the rear, resulting in this terrace having ground floor levels and patios raised above the gardens. This residential area has a low-rise suburban character, with a generally strong and consistent rhythm between the dwelling plots on the appeal side of the street. This incorporates a broadly consistent roofscape, and a strong and coherent palette of roof tiles and rendered facades. The appeal dwellings have an open sky backdrop both from along the street and from their rear gardens, framed by the line of mature vegetation running along the river at the properties' rear boundaries.
6. The appeal proposal would result in the provision of a third dwelling between Nos. 24 and 26, which would incorporate extensions and alterations. Each of the 3 dwellings would be set over 4 floors, with a basement and living accommodation in the roof space served by new rear dormer windows and front roof lights, and a front car parking space.
7. The proposals would comprise similar materials to those of adjacent properties, complying with guidance in the Council's Residential Extensions and Alterations Supplementary Planning Document (REASPD) (2011). This document aims for development to ensure it is sympathetic to and enhances and protects the positive qualities and characteristics of individual dwellings as well as the wider streetscape, and that it does not detrimentally affect the living conditions of neighbouring properties.
8. The Council has not identified any material harm to the character and appearance of the streetscene of Brooklands Gardens resulting from the proposal's front elevation. I agree with this conclusion, because a small gap would be retained which would allow the 2 terraces ending with the subject dwellings still to read as separate entities, maintaining their legibility and the rhythm of the built form along the street. When viewed from Brooklands Gardens, the frontages of the appeal dwellings would reflect the proportions of their neighbours and retain their original architectural features. Furthermore, the proposed rooflights would be of a scale, design, and position upon the roof slope that would be visually unobtrusive.
9. The proposed single storey rear extensions would also comply with the REASPD, and the proposed 2 storey rear extensions would comply with that guidance in respect of their depth and distance to the side boundaries. However, along with the 2 storey rear projection of the new dwelling, these single storey extensions would have a shallow crown roof design as opposed to a pitched roof with a hipped end which the REASPD specifies is generally appropriate. Such a design would significantly contrast with the character and appearance of the original dwellings and their neighbours.
10. The proposed dormer windows would relate to the original windows in proportion, design, and position as required by the REASPD, which also allows for some flexibility for their flat roof design. However, crucially, it also requires that dormers should be contained well within the body of the roof by being set

well back from the eaves, setting the sides well in from party walls, and by being located well below the existing ridge line. The proposed rear elevation plan identifies that the dormers would be set in from the sides and down from the ridge by 0.2m. Although they would be set up from the eaves by 0.5m, the benefit of this would be largely diluted for approximately half their width by the proposed roofs of the 2 storey rear projections. Overall, visually these proportions would provide an insufficient set back. The resulting roofscape would have an imposing horizontal emphasis which would be uncharacteristic of its built context. The cumulative impact of the elevated positioning and scale relative to the existing roofs would give rise to very imposing roof features in a very concentrated view. Visually, these would be overly dominant within their existing context.

11. The proposed rear extensions and projections would span the full width of each dwelling at lower ground and ground floor levels. The proposed 2 storey elements above would span more than half the width of each property. The resulting rear elevations would overall be too substantial in scale and unsympathetic to the rhythm and form of the existing properties and their neighbours, and thus would harm the consistent character and appearance of the area. Despite predominantly oblique views and some screening by trees and fencing, there would be clear views of the scheme from many gardens and within the wider vista, where this disruption to the existing pattern of development would be seen.
12. Furthermore, while the addition of basements would take advantage of the ground levels, this would create an incongruous additional floor in rear views. This is because alongside the new dormer roof level, these basements would substantially increase the scale and dominance of the 3 dwellings relative to the character of those adjacent and nearby. The appellants argue that the basement levels and proposed fencing would prevent the overlooking and overshadowing currently occurring between adjoining dwellings. However, this does not mitigate my concerns regarding the impact of the basement level on character and appearance.
13. I noted on site the few examples of other rear dormers. I also note that most dwellings have shallow, single storey extensions to rear ground floor level, many leading to raised patios and storage areas. Rear 2 storey extensions only exist at No. 2 and No. 44, which are therefore isolated examples. Furthermore, these are also both end-of-terrace properties, with No. 2 being the first of the terraces in the street, and No. 44 being at a bend in the road. In comparison, the appeal proposals before me would overwhelm the existing character and appearance of the properties. The photographic evidence of other extensions does not cause me to alter this opinion, because they are of a much smaller scale to the appeal proposals. I am also not party to any planning history or matters taken into consideration by the Council during its determination for those permissions.
14. In view of the harm that I have found in respect to the proposed dormer windows, basements, and rear projections, I conclude that overall, the proposal would be harmful to the character and appearance of the area, with particular regard to scale and form.
15. Policies 7 and 26 of the Havering Local Plan 2016-2031 (2021) seek to ensure that development proposals are of a high design quality that provide an

attractive living environment, which respect and complement the character of the site and local area, are of a high architectural quality, and respect the visual integrity and established scale, massing and rhythm of buildings, and the height of the surrounding physical context. I have taken account of the varying levels of visibility of the individual components of the appeal proposal in making my assessment. Nonetheless, in view of the harm that I have identified to the character and appearance of the area, the appeal proposal would conflict with both of these policies. Furthermore, the appeal proposal does not sufficiently align with the guidance in the REASPD, and with the National Planning Policy Framework ('the Framework') (2021) particularly as regards the need to achieve well-designed places as set out in Section 12.

### *Highway safety*

16. The appeal evidence includes a new swept path analysis plan. The Highway Authority is now satisfied with the proposed parking provision for No. 26 and No. 24A, but not for No. 24. I concur with this conclusion. This is because the swept path analysis for No. 24 demonstrates that a parked car would simultaneously touch the side boundary, the back of the footway, and touch the bay during the necessary manoeuvre. In practice, given the limited separation distances between the outer boundary and the bay window, as well as the very limited width of pedestrian access to the front door, a degree of vehicle overhang with the footway is very likely to occur. This could impede pedestrian movements along the footway to an extent which would give rise to conflicts with road users. For this reason, I find that the appeal proposal would cause harm to highway safety.
17. I acknowledge that other properties in the street have installed vehicular crossings, and that a large number of the front curtilage parking spaces are similarly shallow. The precise details and merits of these fall outwith the scope of this appeal. Crucially, during my site visit I observed numerous parked cars overhanging the back of the footway, clearly illustrating the Council's concern. The appeal proposal has scope to further exacerbate an existing pedestrian hazard to which the Local Highway Authority has objected. As such, the existing situation of vehicle crossings within the street does not justify the appeal proposal before me.
18. Furthermore, while there may not currently be on-street parking congestion, the proposed intensification of an additional dwelling on the site would increase the pressure for further car parking provision within the area. The proposed parking provision would not adequately offset this.
19. In conclusion therefore, the proposed development would result in limited harm to highway safety. Policy 23 of the Havering Local Plan supports developments in locations which are most accessible by a range of transport options, as is the appeal site. Amongst other aspects, it supports development which ensures safe and efficient use of the highway and demonstrates that adverse impacts on the transport network are avoided, or where necessary, mitigated. Policy 24 of the Local Plan states that schemes must comply with the maximum parking standards set by the London Plan (2021). In this instance an adequate off-street space cannot be fully achieved for No. 24. Moreover, criteria C) of policy T4 of the London Plan requires mitigation to address identified adverse transport impacts, and criteria F) requires that development proposals do not

increase road danger. In view of the harm that I have found, the appeal scheme conflicts with these policies.

#### *Street tree*

20. From the evidence provided I am satisfied that the existing street tree outside No. 26 would not unduly prohibit the use of that property's parking space. The removal of the tree does not form part of the appeal proposal before me.
21. In conclusion therefore, the proposed development would not result in harm to the street tree outside No. 26 Brooklands Gardens. It would therefore comply with guidance in the London Borough of Havering Tree Strategy 2009-2019, which provides a framework for the maintenance and enhancement of highway trees, and seeks to ensure the continued contribution of their diversity of benefits to the urban landscape.

#### **Other Matters**

22. Based on the limited evidence provided and the small-scale nature of the appeal scheme, I find that it would provide limited local economic and social benefits.
23. The Council's approach to negotiation during the determination period is not relevant to my decision making. My consideration of the representations made by interested parties have been confined to their relevance to the planning merits of the appeal proposal. In particular, this excludes aspects relating to party walls and rights of access as civil matters. I have had regard to a previous appeal for a relatively similar scheme on the site dismissed in January 2022<sup>1</sup>, but I have assessed the scheme on its own merits.
24. I acknowledge that the appellants consider that the proposed basements are a design solution which avoids adjoining properties from being subjected to greater levels of overshadowing or overlooking. However, in the absence of a genuine fallback position which demonstrates more harmful development has a real prospect of taking place, this matter carries no weight.

#### **Planning Balance**

25. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. As such, relevant policies for the supply of housing are not deemed up-to-date and the Framework paragraph 11d falls to be considered. Paragraph 11d indicates that planning permission should therefore 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.
26. The appeal proposal would result in an additional dwelling in an established urban area. The Framework seeks to significantly boost the supply of homes, and so additional housing in this broad location is a benefit of the proposal. However, the benefits associated with the construction and occupation of one additional dwelling would in effect be limited and so I give each of these matters moderate weight. Alongside this, the Framework is clear that good design is a key aspect of sustainable development, to maintain a strong sense of place and to create attractive, welcoming, and distinctive places, with

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<sup>1</sup> Reference APP/B5480/W/21/3275279

paragraph 134 identifying that development that is not well designed should be refused. In this case I have found that significant harm to the character and appearance of the area would arise, alongside the limited harm to highway safety.

27. Taking the policies of the Framework as a whole, I therefore find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in this case. Accordingly, the proposal does not benefit from the presumption in favour of sustainable development as a material consideration outlined at paragraph 11 of the Framework.

### **Conclusion**

28. In conclusion therefore, the scheme conflicts with the development plan as a whole. With no other material considerations indicating otherwise, including the provisions of the Framework, for the reasons given above I conclude that the appeal is dismissed.

*L Hughes*

INSPECTOR