



Appeal Decision

Site visit made on 7 July 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/B5480/W/22/3312604

110 Pettits Lane, Romford, Havering RM1 4EJ

- 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 and Mrs Waugh against the decision of the Council of the London Borough of Havering.
 - The application Ref P1486.22, dated 8 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is construction of a single storey, 2 bedroom dwelling with private amenity space and off street parking with bin and cycle storage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would provide acceptable living conditions for future occupants, with particular regard to internal space and outlook;
 - the effect of the development on highway and pedestrian safety; and
 - the effect of the development on the character and appearance of the area.

Reasons

Living conditions

3. Policy D6 of the London Plan 2021 (the London Plan) requires at least 75% of the gross internal floor area to achieve a minimum floor to ceiling height of 2.5m but only approximately 52% of the proposed dwelling would achieve this. Although the nationally described space standards require a lower minimum ceiling height, these are post-dated by the London Plan which sets out the most up-to-date policy in this respect. Whilst the internal floorspace would meet the London Plan requirements and the ceiling height would increase from the living area to the area above bedroom 2, the lower floor to ceiling heights would particularly affect the kitchen/living/dining room and would result in insufficient overall space and poor quality, substandard accommodation for future occupiers.
4. The proposed house would be located close to the boundaries of the neighbouring gardens. Although the bedrooms would have large windows, with a long view down the private entrance from bedroom 1, the other bedroom

would face the wall of a neighbouring outbuilding, with only a narrow accessway separating them, creating a poor outlook from that room.

5. The kitchen/living/dining room would have a large amount of glazing facing the external amenity area as well as a rooflight, so although the two other windows in this room would face boundary fences close by, there would be an acceptable outlook for future residents from that room. The side windows, patio doors and rooflight would ensure that this room is sufficiently lit but this would not overcome the harmful living conditions caused by the insufficient overall internal space provided for this part of the dwelling.
6. Therefore, I conclude that the proposed development would provide unacceptable living conditions for future occupants, with particular regard to internal space and outlook. This would be contrary to Policy D6 of the London Plan and Policies 7 and 10 of the Havering Local Plan 2021 (the Local Plan). Together, these require residential development to provide a high quality living environment for future residents including adequately-sized rooms with comfortable and functional layouts which do not result in an unacceptable outlook. It would also conflict with the National Planning Policy Framework (the Framework) which requires decisions to provide a high standard of amenity for future users.

Highway and pedestrian safety

7. The development would include a parking space with access from Parkland Avenue. The appellant states that the site is already used for car parking and at my site visit I observed access gates onto Parkland Avenue and hardstanding within the site sufficient to accommodate a vehicle. However, there is no vehicle crossover onto the road and there are high boundary fences on each side which obstruct views of pedestrians and vehicles using the footway and road in both directions for drivers of vehicles egressing the site. Therefore, the creation of a formal vehicular access for the new dwelling with a lack of visibility splays would cause harm to the safety of other road users.
8. The appellant refers to the other drives in the street and the planning permission allowed on appeal for a house at 106 Pettits Lane (No 106) on the opposite side of the road¹. The other drives are generally more open with lower boundaries which give greater visibility of pedestrians and traffic than the proposed development. Whilst the access for the proposed dwelling at No 106 would also be surrounded by high boundary walls and fences and it is unclear why visibility splays for that site were not an issue, it already has a vehicle crossover onto the road and is therefore not comparable to the current proposal.
9. Overall, I conclude that the development would harm highway and pedestrian safety. This would be contrary to Policy T4 of the London Plan and Policies 10 and 23 of the Local Plan. Together, these require development to ensure good access and safe use of the highway and not to increase road danger. It would also conflict with the Framework which requires development to provide safe and suitable access to the site and minimise the scope for conflicts between pedestrians and vehicles.

¹ Appeal Ref: APP/B5480/W/21/3267232

Character and appearance

10. The appeal site lies to the rear of the property at no 110 Pettits Lane within a residential area. It contains a large outbuilding, and there is a detached bungalow and rear gardens and outbuildings adjacent to the site. Following the grant of planning permission, a new dwelling at No 106 is under construction on the opposite side of Parkland Avenue.
11. With a significantly larger footprint and greater depth than the existing structure, the site coverage of the proposed house would not be dissimilar to other substantial sized outbuildings and the partially built dwelling in nearby gardens. Its location close to the boundary would not be unusual in the area and it would replace an existing outbuilding sited close to the property boundaries.
12. The articulated roof form and vertical flank walls of the proposed dwelling would differ from the existing pitched roof outbuilding, but it would have a modern, timber clad design which would not be discordant in this rear garden location. The structure would be set back from Parkland Avenue with a height mostly lower than the roof ridge of the existing structure. Much of it would be screened from public view by the high boundary fences and outbuilding in the adjoining garden. As a result, the building would not be dominant or visually intrusive in the street scene.
13. Consequently, I conclude that the proposed development would not harm the character and appearance of the area. It would comply with Policy 26 of the Local Plan which promotes high quality design that respects the character of the local area and responds to local building forms and patterns of development, including the scale and massing of the surrounding physical context. It would also accord with the Framework which requires development to be sympathetic to local character.
14. Policy D4 of the London Plan relates to processes and actions required to deliver good design and I do not find it to be directly relevant to the proposed development.

Other Matters

15. The proposal would make a modest contribution of one dwelling to the supply of housing in a predominantly residential area close to services. It would help to meet Havering's housing needs on a small site which makes better use of urban land in accordance with some local, London and national planning policies. This benefit of the proposed development is considered in the overall planning balance below.
16. The appellant notes that the Council did not object to several matters, including external amenity space provision, impacts on the living conditions of neighbouring occupiers and car parking provision. The Council also did not raise issues on several criteria in Local Plan Policy 10. However, these are only neutral factors in the planning balance.

Planning Balance

17. The Council accepts that it is currently unable to demonstrate a five year supply of deliverable housing sites. Paragraph 11(d) of the Framework states that, where the policies which are most important for determining an

application are out-of-date (which includes situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), 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. The Framework is a material consideration of great weight.

18. Given the unacceptable living conditions and harm to highway and pedestrian safety I have identified, I conclude that the proposal conflicts with policies in the development plan. These harms also result in a conflict with the Framework for the reasons given above. I attribute moderate weight to the benefits of the proposed development set out in the other matters. However, I consider the adverse impacts of the proposal arising from the unacceptable living conditions and harm to highway and pedestrian safety would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

19. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright BSc (Hons) MRTPI

INSPECTOR