



Appeal Decision

Site visit made on 6 September 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2023

Appeal Ref: APP/B5480/W/22/3318492

Land to rear of 230-236 Hornchurch Road, Hornchurch RM11 1QB

- 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 Hornchurch Estates Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P1438.21, dated 19 July 2021, was refused by notice dated 24 January 2023.
 - The proposed development is redevelopment of land to provide new two storey building comprising two self-contained apartments (2 x two bed) together with associated works including new vehicle parking provision, hard / soft landscaping, amenity space and secure refuse and cycling storage.
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Procedural Matters

1. I have been made aware of two previous appeal decisions relating to the site and have taken these into account in reaching my decision below.
2. The Appellant suggests that Policy 6 of the Havering Local Plan (2021) (HLP), cited in the Council's decision notice, is irrelevant as it relates to specialist accommodation. I have not been provided with a copy of this policy and I note that in the Council's evidence, reference is made to HLP Policy 7 which relates to residential design and amenity and it would seem that this policy, as well as HLP Policy 26, are the relevant local plan policies in this context.
3. The Appellant also criticises reference to the Council's Residential Design SPD (adopted 2010) (RD SPD). However, a copy of this document was provided by the Council and its introduction clarifies that it was the subject of consultation, publicity and formal adoption by the Council. Although it pre-dates the current adopted local plan (2021), it can still be taken into account as a material consideration insofar as its guidance remains consistent with the policies in the HLP and the National Planning Policy Framework (2021) (the Framework).

Decision

4. The appeal is dismissed.

Main Issues

5. The main issues are the impact of the proposal on (a) the character and appearance of the street scene and wider area and (b) the living conditions of the occupiers of 1a Purbeck Road, with respect in particular to loss of outlook.

Reasons

6. The appeal site consists of an open area of land that lies to the rear of Nos. 230-236 Hornchurch Road, a two storey terraced building that has been converted to flats. There is a single storey garage / store building that appears to be used for the storage of refuse bins with the remainder of the site providing parking spaces.
7. No. 1a Purbeck Road is an end terrace residential property that adjoins the site to the north with its flank elevation set close to the site boundary. Purbeck Road is residential albeit the more commercial character of the main Hornchurch Road becomes apparent towards its southern end.

Character and appearance

8. The proposed two storey building would be sited close to the northern boundary adjacent to the flank elevation of the adjoining property. It would be of flat roofed design with height just above eaves level of the dwelling at 1a Purbeck Road.
9. The immediate street scene is characterised by terraces of properties with pitched roofs, though there is a detached chalet bungalow opposite the site with large gable end facing the street, albeit otherwise contained by a steeply sloping pitched roof. Whilst the siting of the proposed building would generally reflect that of the adjoining terrace in terms of set back from the road and rear building line, its flat roof design would be at odds with the predominantly pitched roof forms within the street scene. I note the use of high quality materials and whilst a contemporary approach would not necessarily be inappropriate, its overall built form and flat roofed design would introduce an incongruous form of development that would fail to harmonise with the existing building forms along Purbeck Road within which it would be mainly seen.
10. The Appellant suggests that the flat roof design is not out of keeping when considered in the context of the wider locality including Hornchurch Road, where there is a parade of shops with accommodation above finished with a flat roof. I acknowledge that these buildings would form part of the view from the main road approaching the end of Purbeck Road. However, in that context the proposed building would be seen within a more distant view framed by the built frontage of the hipped roofs of the flatted building on the other corner and the pitched roofs of the terrace of properties to the north of the appeal site. In that context I consider that it would still appear as an incongruous built form.
11. Overall, I find that the proposal would be harmful to the character and appearance of the street scene and wider area. It would therefore conflict with HLP Policies 7 and 26 which seek high quality design that provides attractive living environments and contributes to the creation of successful places in Havering through, amongst other things, development that respects and complements the distinctive qualities, character and features of the site and local area, reinforces the local streetscene and responds to and respects the established scale, massing rhythm of the building , frontages groups of buildings or building line. For these reasons it would also fail to meet the guidance in the RD SPD which seeks to ensure that new development respects and enhances the positive features and local distinctiveness of the area, including building forms and whilst acknowledging that new and old buildings

can coexist without negatively influencing the character of the area recognises that great care should be taken when incorporating contemporary design.

12. Reference has also been made to Policy D3 of the London Plan (2021) which seeks to ensure that development should optimise housing output subject to local context and character. For the above reasons, I also find that the proposal fails to accord with this policy overall.

Living conditions

13. There are a number of windows in the flank elevation of 1a Purbeck Road that face towards the appeal site. The proposed building would be sited very close to this flank elevation and would have an impact on the light received by and outlook from these windows. Whilst I was not able to view the inside of this property, information provided by the occupier confirms that they serve a living room, toilet and kitchen on the ground floor, a landing area and at first floor a bedroom. I note that the Inspector dealing with the most recent appeal decision was able to view this property and states that they are all secondary windows¹, with the exception of the toilet and landing which would not be regarded as a habitable rooms in any event. This appears to be clarified by the photos provided by the occupier. These photos also demonstrate that they provide a good source of light as would be expected from a south facing aspect.
14. However, in respect of daylight and sunlight impacts, the Appellant has provided a BRE Assessment which concludes that the proposal will have a low impact on the light received by this neighbouring property and that it will sufficiently safeguard the daylight and sunlight amenity. Notwithstanding this, the effect on outlook is a separate matter and I note that the previous Inspector found in that case that there would be an unacceptable loss of outlook, particularly for the ground floor windows.
15. It seems to me that the proposal would have a similarly detrimental impact on outlook, with the possible exception of the first floor bedroom window due to the lower overall height of the building now proposed due to its flat roof design. Furthermore, the secondary kitchen window is of relatively small size with what appears to be a restricted outlook currently such that given the position of the primary rear facing windows and doors, the impact would likely be limited. On this basis, I consider that the most significant impact would be on the ground floor living room window which would be unacceptably affected.
16. Overall, I therefore find that the proposal would have a harmful impact on the living conditions of the occupiers of the neighbouring property contrary to HLP Policy 7 which seeks to ensure that the quality of life of existing and future residents is not adversely affected through, amongst other things, loss of outlook. It would also fail to satisfy the guidance in the RD SPD which seeks to safeguard residential amenity with respect to outlook, amongst other things.

Other Matters

17. The Appellant has provided information to show that the delivery of housing within the borough has been below the housing requirement over the last 3 years and that therefore, the proposal should be considered in the context of

¹ APP/B5480/W/20/3253138, paragraph 20

paragraph 11(d) of the Framework. The Council does not appear to have commented on this issue nor provided any evidence to the contrary.

18. I note that HLP Policy 3 which deals with housing supply does set out the targets for housing provision over the plan period both in terms of overall targets, including a minimum number of dwellings per annum, as well as a specific target for small sites. On the basis of the figures provided by the Appellant, the delivery of housing has been substantially below the target over the last three years and as such footnote 8 to paragraph 11(d) is relevant.
19. The proposal would make a small but important contribution to local housing supply, which in the context of a lack of supply, I give moderate positive weight. Further social and economic benefits arise from this. In addition, the proposal would, in principle, make good use of an under-used site that, in my opinion, currently detracts from the street scene due to its poor visual appearance and lack of any planting or landscaping. Notwithstanding these benefits, the proposal would conflict with the Framework's aims to achieve good design, to ensure that development is sympathetic to local character including the surrounding built environment and to safeguard and improve the environment whilst promoting an effective use of land.
20. In the context of paragraph 11(d) of the Framework, it is my view that the weight to be given to these adverse impacts arising from the development is sufficient to significantly and demonstrably outweigh the benefits.

Conclusion

21. Overall the proposal conflicts with the development plan and there are no material considerations that indicate a decision otherwise.
22. I therefore conclude that this appeal should be dismissed.

P B Jarvis

INSPECTOR