



Appeal Decision

Site visit made on 15 December 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2024

Appeal Ref: APP/B5480/W/23/3321961

5 Maybush Road, Hornchurch, Havering RM11 3LB

- 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 Sharjeel Bhatti against the decision of the Council of the London Borough of Havering.
 - The application Ref P1038.22, dated 18 June 2022, was refused by notice dated 28 February 2023.
 - The development proposed is demolition of the existing dwelling house and erection of two new dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An Arboricultural Impact Assessment (AIA) was submitted with the appeal. The Council has reviewed this and consider that it partially addresses its second reason for refusal. However, the Council continues to have concerns regarding the loss of existing landscaping features and the limited space for new landscaping.

Main Issues

3. The main issues are: i) the effect of the development on the character and appearance of the area; and ii) the effect on trees and landscaping.

Reasons

Character and appearance

4. The appeal site is located on the corner of Maybush Road and Dalewood Close. The immediate surrounding area is comprised primarily of large, detached, individually designed houses. Although many boundary walls and fences have been constructed up to the edge of the pavement, buildings are generally set well back from the pavements in generous plots with spaces between them, particularly at upper floor and roof level. Where buildings are located close to property boundaries, these tend to be single storey. The boundary trees and hedges that still surround many of the properties at the southern end of Maybush Road, create a pleasant green and leafy environment.
5. The site is currently occupied by a large detached two-storey house with an adjoining single storey double garage. There is a large mature Horse Chestnut tree to the front of the site, which together with the other trees and soft landscaping, adjacent to the boundaries of 7 Maybush Road and 14 Dalewood

- Close, make a positive contribution to the character and appearance of the area.
6. The proposed new dwellings would be set back from Maybush Road in line with other properties. However, the new dwelling on the corner plot would be sited significantly forward of the building line of Dalewood Close. The introduction of a two and a half storey building, so close to the footway and forward of the adjacent dwellings, would result in a loss of openness that would harmfully detract from the Dalewood Close streetscene. Furthermore, the siting of this dwelling would leave insufficient space for any meaningful landscaping, such as boundary hedge or tree planting, adjacent to Dalewood Close to soften the appearance of the development.
 7. The Emerson Park Policy Area Supplementary Planning Document (SPD), which is a material consideration, advises that new dwellings in this area should have a minimum plot frontage of 23 metres to ensure generous spacing can be retained between buildings. The proposed dwellings would each have a plot frontage of approximately 17 metres. Whilst this is still generous, the proposed new dwellings, which would almost fill their entire plot widths, would be only 2 metres apart at ground floor level and 4 metres apart above. The facing gable roofs, as opposed to hipped roofs, would further reduce the sense of space between the new buildings. The siting of a taller building closer to the boundary of No.7 Maybush Road would also result in the loss of space and mature landscaping between properties.
 8. I acknowledge that the plot sizes of the proposed new dwellings would be similar to those behind on Dalewood Close. However, the majority of dwellings fronting onto Maybush Road, including the appeal site and the dwellings to either side of it, have wider plot frontages. The smaller plots I have been referred to on Maybush Road appear to pre-date the SPD for new housing in this area. Moreover, they are not prominent corner plots, the dwellings on them do not encroach forward of any established building lines, and the buildings have hipped roofs and intervening lower roof forms that retain a sense of space between properties.
 9. The scale and siting of the new dwellings would therefore appear cramped in comparison to surrounding properties and would fail to respect the generous spacing between buildings which is characteristic of this area. The mirrored design of the proposed matching dwellings is also more consistent with the approach of new housing estates and does not reflect the immediate surrounding area where each house is different and individually designed.
 10. I therefore conclude that the proposal would result in harm to the character and appearance of the area, contrary to Policy 26 of the Havering Local Plan 2016-2031 (the Local Plan). This seeks to ensure that new development would respect, reinforce and complement the local streetscene and respond to distinctive local building forms and patterns of development.
 11. The proposal also conflicts with the Emerson Park Policy Area SPD, which advises amongst other things that new dwellings in this area should be on plot sizes equivalent to immediate surrounding properties to avoid creating a cramped appearance to the streetscene and should be of varied architecture.

Trees

12. It is unclear from the evidence before me which trees on or adjacent to the site are covered by the Tree Preservation Order (TPO). The appellant's statement and plans identify a single tree in the rear garden as being protected, whereas the Council's statement advises that eight trees within the site and adjacent to the shared boundary with No. 7 are protected. The AIA does not identify or refer to any protected trees.
13. Whilst I have been provided with a copy of the TPO plan, this is dated March 1971, prior to the construction of Dalewood Close, and has not been updated to reflect significant development that has taken place within the area since that time. It is however clear that the Horse Chestnut tree to the front of the site (T.7. on the TPO plan) is protected and that other trees, adjacent to the side and rear boundary of the site may also be protected. I note that the tree species identified in the AIA do not match those in the TPO. However, the replacement of trees covered by a TPO, are usually automatically protected by the same Order.
14. I acknowledge that trees along the rear boundary of the site would not be affected by the development and that the trees identified as G1 in the AIA are of low quality. However, the dwelling, foundations and increased area of hardstanding would encroach into the root protection areas of the two mature Horse Chestnut trees (T2 and T3 on the AIA), which are located on the site frontage and adjacent to No.7 Maybush Road. As T3 is not within the appellant's ownership, it should be protected from development, regardless of whether it is covered by a TPO or not. The proximity of the new dwelling to this tree would potentially result in significant harm to it, would restrict its growth and would result in increased pressure for it to be continually cut back or felled. The siting of the new dwelling would also leave insufficient space for any other landscaping along this boundary.
15. I therefore conclude that the proposal would result in harm to existing trees, contrary to Policy 27 of the Local Plan, which supports proposals that incorporate high quality landscape schemes, that retain and enhance existing landscape features, maximise opportunities for greening, provides strong boundary treatment that integrates with and is sympathetic with the local landscape character and street scene, and supports natural habitats and opportunities to enhance biodiversity.
16. The proposal also conflicts with the Emerson Park Policy Area SPD, which advises amongst other things that new development in this area should contain a generous level of landscaping in keeping with the character of Emmerson Park.

Conclusion

17. For the reasons given above the appeal is dismissed.

R Bartlett

INSPECTOR