



Appeal Decision

Site visit made on 16 January 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal A Ref: APP/B5480/W/23/3322397

Wayside, Fullers Lane, Romford, Havering RM5 3JT

- 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 Alan Masters against the decision of the Council of the London Borough of Havering.
 - The application Ref P1901.22, dated 18 November 2022, was refused by notice dated 20 January 2023.
 - The development proposed is demolition of bungalow and erection of pair of semi-detached houses and two detached bungalows.
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Appeal B Ref: APP/B5480/W/23/3322562

Wayside, Fullers Lane, Romford, Havering RM5 3JT

- 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 A Masters against the decision of the Council of the London Borough of Havering.
 - The application Ref P0308.23, dated 22 February 2023, was refused by notice dated 24 April 2023.
 - The development proposed is demolition of bungalow and erection of pair of semi-detached houses and one detached bungalow.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above, there are 2 appeals on this site. Both schemes seek to demolish the existing bungalow and provide a pair of semi-detached dwellings at the front of the plot. Appeal A seeks to provide 2 detached bungalows within the rear garden, whereas Appeal B seeks to provide one bungalow in the rear garden. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.
 4. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. The Housing Delivery Test (HDT): 2022 was also published on 19 December 2023. I have
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consulted both main parties on the latest version of the Framework and HDT and taken any comments received into consideration when making my decision.

Main Issues

5. No objection is raised by the Council to the pair of semi-detached dwellings, which are proposed to the front of the site. As a result, the main issue for both appeals is the effect of the proposed development to the rear of the site on the character and appearance of the area.
6. There is a further main issue in respect to Appeal A, which is the effect of the proposed development on highway safety.

Reasons

Character and appearance

7. The appeal site comprises of a detached bungalow, which has a pitched roof. The bungalow has a single storey side projection on one side. On the opposite side of the bungalow is an attached carport. The existing bungalow has a small front garden, comprising of hard and soft landscaping. The property has a large, well landscaped garden to the rear. The levels of land rise up slightly towards the rear of the site. As a result, the rear garden is on slightly higher level land than the existing bungalow.
8. The site lies within a residential area, which is characterised by a mix of detached, semi-detached and terrace properties. The dwellings in the locality range in height from one to two storeys and typically have large rear gardens. With the exception of three bungalows, which are accessed between two dwellings a short distance away to the south of the site, properties in the area typically front the road. This creates a well-defined building line along Fullers Lane. There are large grass verges and open spaces within the locality, which together with the soft landscaping within the gardens of the residential properties, contributes to providing a green character.
9. Planning consent was granted on 7 June 2022 (Ref: P0599.22) to demolish the existing dwelling and construct a pair of semi-detached dwellings on the site. This permission remains extant. In addition to the pair of semi-detached dwellings, both appeal schemes seek to provide further residential development within the rear garden. Two detached bungalows are proposed in Appeal A and one new bungalow is proposed in Appeal B. In order to provide vehicular access to the proposed bungalow(s), the semi-detached dwellings have been reduced in width compared to the consented scheme.
10. The proposed development by reason of its back garden position would fail to respect the prevailing development pattern of the area, where properties typically front the street. Furthermore, given the relatively limited plot size, both schemes would appear cramped in relation to their plot and would fail to respect the generally more spacious layout of properties in the locality. This impact would be intensified in Appeal A due to the provision of two bungalows, with even less space surrounding them and very small rear gardens. In both appeal schemes, the proposed semi-detached dwellings would be left with very small rear gardens. While the appellant ascertains that the external amenity space would meet the required standards, the plots sizes would appear out of keeping in an area that is typically characterised by larger plot sizes.

11. The proposed development to the rear would be partially screened from the public realm by the proposed two storey dwellings and existing built form. Although the proposed development would be set back from the highway and be single storey in height, it would be sited on slightly higher land than the buildings that front Fullers Lane. Both schemes would be visible from the street, with views available along the access road. Both schemes would also be visible from neighbouring properties above the boundary fencing and vegetation. In such views, both schemes given their back garden positioning and limited plot size(s) would appear cramped in relation to their plot and incongruous in this location. Again, this impact would be intensified in Appeal A due to the provision of two bungalows.
12. While there may be outbuildings and other structures within the rear gardens of neighbouring properties, these are ancillary buildings/structures that one would typically find in a residential area, such as this. The existing outbuildings are far smaller in scale and lower in height than the bungalows proposed in either appeal scheme. An independent dwelling is also materially different than an outbuilding and is therefore not comparable.
13. For the reasons given above, I conclude that both appeal schemes would result in significant harm to the character and appearance of the area. The proposals would conflict with Policy 7 and 26 of the Havering Local Plan 2016 – 2031 (the Local Plan), adopted November 2021. These policies among other things require that development proposals be informed by, respect and complement the distinctive qualities, identity and character of the site and local area; are of high quality design; and respond to distinctive local building forms and patterns of development. The proposal would also conflict with the Framework, which requires that development adds to the overall quality of the area.
14. Given that the appeal site does not fall within the Hall Lane or Emerson Park Character Areas, as designated on the Policies Map, I do not find conflict with Policy 10 of the Local Plan. Nevertheless, the supporting text for Policy 10 is clear that this policy must be read in conjunction with Policies 7 and 26 of the Local Plan, in which I have found conflict.

Highway safety

15. Access to the development to the rear would be via a driveway adjacent to the side of one of the proposed semi-detached properties. The proposed driveway would not be wide enough for two vehicles to pass. One parking space is proposed for each bungalow within Appeal A, which would be conveniently located to the front of the proposed bungalows. No turning head is shown on the proposed plans. Based on the information before me, it is not possible to confirm whether a vehicle would be able to manoeuvre within the site and exit in a forward gear. In any event, should additional cars, visitors or delivery vehicles be parked on the driveway, this would prevent vehicles from turning on site. As a result, vehicles would have to reverse some distance along the driveway out of the site.
16. I acknowledge that the proposed access is relatively straight; however, it provides a shared space for pedestrians and cyclists and would be used by two households, plus visitors and servicing/delivery vehicles. Although vehicular movements are likely to be relatively low, vehicles would have to reverse some distance out of the driveway and across a pedestrian footway. While traffic movements are relatively low in the area, the proposed access would be sited

adjacent to a junction where reversing vehicles or vehicles waiting on the highway to turn into the appeal site may also cause conflict with other road users. Consequently, the proposal would be harmful to the safety of motorists, cyclists and pedestrians.

17. For the reasons given above, I conclude that Appeal A would be harmful to highway safety. The proposal would conflict with Policies 10, 23 and 24 of the Local Plan. These policies among other things require that new residential development on garden and backland sites ensures good access, that proposals ensure safe and efficient use of the highway and improve road safety.

Other Matters

18. The Council advises that the bungalow to the rear of the appeal site (No 84C Brockley Crescent) has been in situ for some time. It appears from the evidence before me that the adjacent bungalows (Nos. 84D and 84E Brockley Crescent), replaced existing structures and were sited adjacent to an existing accessway. Their context is therefore materially different. These examples also precede the adoption of the Local Plan and were determined against a different policy context. They also represent the exception, rather than the norm. Consequently, I give them limited weight in my decision.
19. The appellant has drawn my attention to a scheme which was allowed at appeal at 9-11 Elm Road¹, which has a slightly narrower accessway. This appeal related to the redevelopment of a former garage court and construction of 7 nos two storey dwellings. This scheme related to a previously developed site, which had an existing vehicular access. It is therefore materially different to the appeal scheme before me. There is also limited evidence before me to suggest that vehicles could not turn within the site and exit in a forward gear. The scheme at 9-11 Elm Road was also allowed prior to the adoption of the Local Plan and was therefore determined against a different policy context. As a result of the above, I consider that the scheme at 9-11 Elm Road is not comparable and give it limited weight in my decision.
20. The appellant has also drawn my attention to a scheme at 77-79 Cross Road, where the access width is slightly narrower than currently proposed. However, there is limited information before me on this scheme to enable me to make a comparison in terms of highway safety matters. However, I note that this scheme also preceded the adoption of the Local Plan.
21. I acknowledge that the Council raises no objections to the design of the proposed dwellings, the effect of the proposals on the living conditions of neighbouring occupants or internal and external space standards. No objection is also raised to either scheme by the local highway authority or London Fire Brigade. I find that matters relating to fire safety and refuse storage are capable of being dealt with by condition. Nevertheless, these are all policy requirements and I therefore give them limited weight in my decision.

Planning Balance and Conclusion

22. The Housing Delivery Test results show that the Council has not met its housing requirements in the last 3 years. Consequently, paragraph 11 d) of the Framework is engaged. Paragraph 11(d)(ii) of the Framework confirms that in circumstances such as these, planning permission should be granted unless the

¹ Ref: APP/B5480/19/3230530

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

23. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply, promote the effective use of land, provide housing within locations that have good accessibility to services/facilities and public transport links and provide safe developments that promote health and well-being. The proposal would provide a net gain of 3 new dwellings in Appeal A and a net gain of 2 new dwellings in Appeal B, both would make a modest contribution towards the Council's housing land supply. The provision of accommodation that would be suitable for the elderly or those with reduced mobility, would have a social benefit. The appellant also states that the dwellings would be fully compliant with Part M4(2) of the Building Regulations; however, this is a policy requirement and I therefore give this limited weight. The proposal would also provide energy efficient dwellings, which would have environmental benefits.
24. I find that the most relevant development plan policies are consistent with the aims of the Framework regarding the need to achieve well-designed places which are sympathetic to local character and ensure safe and suitable access to the site can be achieved for all users. I therefore attach significant weight to the harm that I have identified to the character and appearance of the area and significant weight to the harm to highway safety.
25. For the reasons given above, both Appeal A and Appeal B would cause significant harm to the character and appearance of the area. In addition, Appeal A would be harmful to highway safety. The benefits associated with both schemes carry moderate weight in favour of the developments. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
26. For the above reasons, I conclude that Appeal A and Appeal B would conflict with the development plan as a whole and there are no material considerations, including the Framework, which would outweigh that conflict. Therefore, Appeal A and Appeal B are dismissed.

A James

INSPECTOR