



Appeal Decision

Site visit made on 4 January 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/B5480/W/23/3326167

Land Adjacent to 2 Rutland Approach, Hornchurch RM11 3EP

- 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 Peter Balman Snr, Peter Balman Jnr and Dmitrijus Zaturskis against the decision of the Council for the London Borough of Havering.
 - The application Ref P0148.23, dated 27 January 2023, was refused by notice dated 28 March 2023.
 - The development proposed is to erect one new dwelling, with associated access, parking and amenity space including the removal of the existing garage and other structures.
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Decision

1. The appeal is allowed and planning permission is granted to erect one new dwelling, with associated access, parking and amenity space including the removal of the existing garage and other structures at Land Adjacent to 2 Rutland Approach, Hornchurch RM11 3EP in accordance with the terms of the application, Ref P0148.23, dated 27 January 2023, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area; and
 - b) whether or not the proposed development would provide suitable living conditions for the future occupiers of the proposed dwelling, with particular regard to the size of the proposed garden and outlook.

Reasons

Character and appearance

4. Rutland Approach and surrounding roads form a suburban area made up of a variety of detached, semi-detached and terraced houses, bungalows and chalet bungalows. Most of these homes are of mid to late 20th century construction. They all sit neatly within their own plots but are not characterised by a particularly spacious layout overall.

5. The proposed dwelling would have relatively limited space to the side boundaries, but this would not be uncharacteristic for the area. It is assisted in this regard by the open driveway to 2A Rutland Approach on one side and the oblique angled boundary with number 2 to the other. Therefore, these features would ameliorate the apparent width of the building within its plot and proximity to site boundaries and ensure it would not appear cramped.
6. The dormer window within the rear roof slope is relatively wide. However, it sits within the main profile of the roof and is set to the rear. It would not be readily visible in the street scene and any such views would no doubt be fleeting and between adjacent buildings and the proposed dwelling.
7. The proposed dwelling is lower in height than 2 Rutland Approach and slightly higher than the detached garage on the opposing side. This, in conjunction with the slight slope of the land, offers a natural progression of building heights. The front wall of the dwelling aligns with the front wall of number 2 whilst also following a slight curve in the road leading to a natural progression of buildings.
8. I conclude that the proposed development would not harm the character and appearance of the area. It therefore complies with policies 7, 10 and 26 of the Havering Local Plan 2021 (HLP) and D6 of the LonP. These policies, amongst other things, seek to ensure that new development has an acceptable impact on the character of the area.

Living conditions

9. The proposed dwelling would be a four-bedroom home and I accept that the size of the garden is fairly tight for this size of accommodation. In addition, its irregular shape would further limit its functionality. Nevertheless, the garden offers sufficient space to sit outside and for a lawn, tree planting and other garden accoutrements. Furthermore, the amount of space provided is in excess of that mandated by policy D6 of the London Plan 2021 (LonP) despite its irregular shape and including areas discounted for refuse storage and side access.
10. I recognise the rear facing first floor room is fairly close to number 2A to the rear. However, this is a bathroom window where outlook is unlikely to be a particular concern, and this window could be controlled by condition to be fitted with obscure glass and to restrict opening. This reduces any potential or perceived overlooking towards neighbours. I have applied the same rationale to the side facing windows for the same reason. These are secondary windows to habitable rooms and thus will retain their principal vantage to the front aspect.
11. The proposal would therefore provide suitable living conditions for the future occupiers of the proposed dwelling. It would comply with policies 7 and 26 of the Havering Local Plan 2021 (HLP) and D6 of the LonP. These policies, amongst other things, seek to ensure satisfactory living conditions for current and future occupants.

Other Matters

12. The Council cannot demonstrate a five-year supply of deliverable housing land. However, I have found that this development is acceptable in its own right and would comply with the development plan, when read as a whole. Therefore, I

do not need to assess the proposal against the provisions of paragraph 11dii of the Framework.

13. I have noted the comments of neighbouring residents and most of the matters raised are addressed above. Comments relating to land value are not a planning matter and are not within my remit to consider. The additional noise from a single dwelling is unlikely to be a material factor in this established residential area whilst construction noise will be temporary, and the hours of operation restricted under Environmental Health legislation. The health concerns of a neighbour are relevant to my consideration but as I have found no material planning harm, and given the nature of the development, this does not give me cause to change my findings. The relatively low height of the proposed dwelling and its arrangement with neighbouring buildings is such that there would be no harmful increase in overshadowing.

Conditions

14. The Council have provided a schedule of conditions and I have imposed these in this decision subject to modifications to ensure they accord with Planning Practice Guidance. Both parties have been provided with copies of the proposed conditions and neither party has raised any concerns regarding these.
15. I have imposed a time limit condition to ensure compliance with The Town and Country Planning Act 1990 and a condition to secure adherence to the approved plans for certainty.
16. A condition is imposed for external materials in the interests of protecting the character and appearance of the area and as no information was provided regarding these.
17. New windows being inserted in certain elevations of the dwelling are restricted to prevent harmful overlooking to neighbouring occupiers. A further condition is imposed to require obscure glazing on side and rear upper-floor windows and to prevent opening, other than the fan lights, for the same reason.
18. A condition relating to accessibility is imposed to ensure the proposed dwelling is fully adaptable and to comply with HLP policy 7.
19. Finally, a condition to ensure water efficiency in the dwelling is imposed to comply with LonP policy SI5.

Conclusion

20. For the reasons given above, the proposed development would have an acceptable impact on the character and appearance of the area and would provide suitable living conditions for the future occupiers of the proposed dwelling. The proposal accords with the provisions of the development plan, read as a whole, and there are no other material considerations to indicate otherwise. I therefore conclude that the appeal should be allowed.

Nick Bowden

INSPECTOR

Schedule of conditions

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans 001 Rev B, 002 Rev C, 003 Rev B, 004 Rev B, 005 Rev B, 006 Rev C, 007 Rev B, 008 Rev B, 009 Rev B.
3. No development, other than groundworks, shall take place until details, or samples, of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details or samples.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the flank side elevations or rear facing walls or roof slope at first floor level.
5. The side and rear facing first-floor windows to the dwelling shall not be glazed, other than with obscure glass. Opening elements shall be restricted to a top openable fan-light.
6. The dwelling shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
7. The dwelling shall comply with Regulation 36(2)(b) and Part G2 of the Building Regulations - Water Efficiency.

End of schedule