



Appeal Decision

Site visit made on 27 February 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2024

Appeal Ref: APP/B5480/W/23/3327915

R/O 34 Junction Road, Romford, Essex RM1 3QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Fillary against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0610.23.
 - The development proposed is removal of garage and replacement with new dwelling house.
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Decision

1. The appeal is dismissed.

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,
 - b) whether the proposed development would provide satisfactory living conditions for the future occupants,
 - c) the effect of the proposed development on the living conditions of neighbours, and
 - d) the effect of the proposed development on parking and access arrangements.

Reasons

Character and appearance

4. The appeal site comprises one of a pair of semi-detached houses that have been converted to four flats in addition to its rear garden, parking and servicing area and part of the access road known as Lita Mews. The area in the vicinity is formed of period semi-detached and terraced houses – many of which have been converted to flats. There are further examples of more modern infill residential developments including purpose built flat blocks addressing Junction Road and the recent housing development towards the rear of the appeal site.

5. The proposed dwelling would be formed as a single storey building which would replace an existing detached garage. It would be set within Lita Mews which is a small service lane otherwise formed of garages and other outbuildings. Nevertheless, the primary aspect of the dwelling would be towards the garden and main building at 34 Junction Road. In this context, the proposed dwelling would appear isolated and incongruous and would relate poorly to the surrounding area. It would be a divorced single storey dwelling with proportions that would be inconsistent with neighbouring homes. Whilst it is not significantly larger, in terms of its footprint, than the existing garage block – it presents a very different character with pitched and hipped roofs and windows addressing the service lane and existing rear garden.
6. I conclude that due to its size, style and awkward location, that the proposed dwelling would be detrimental to the character and appearance of the area and would conflict with policies 7 and 26 of the Havering Local Plan 2021 (HLP). These policies, amongst other things, seek to ensure that new development respects the character and appearance of the area.
7. I have recognised the existence of the recently constructed development of nine houses to the rear of the site. This however is very different in nature, forming a more comprehensive development of a much larger site. As such, it has a distinctly different context and form to that which is proposed here. The same applies to other recent appeal decisions cited which were clearly set in very different contexts having regard to site size, arrangement and adjoining road hierarchy.

Living conditions – future occupants

8. The proposed dwelling would have a floorspace comfortably in excess of that required by policy D6 of the London Plan 2021 (LonP) for this type of accommodation. However, the consideration of internal floorspace is not the only factor in living conditions. The proposed dwelling's outlook would be to the shared rear garden of 34 Junction Road from the living room and of garages in proximity to the bedroom. These vantages would be impaired by limited views out of the dwelling and a lack of privacy for the occupants. This differs to other homes that address the street as there would be no private outlook for the occupants from other rooms at all, and, those views out would be curtailed by the closeness of surrounding buildings and fencing. The living room would also receive limited natural light due to the orientation of the window to the northeast and the depth of this room. This factor, when combined with the lack of privacy and potential desire to keep curtains closed, would lead to substandard living conditions for the future occupants.
9. I therefore conclude that the layout of the accommodation would fail to provide satisfactory living conditions for the future occupants. It would thus conflict with policy D6 of the LonP and policy 7 of the HLP. These policies, amongst other matters, aim to ensure that development does not adversely affect living conditions.

Living conditions – neighbouring residents

10. Whilst I have found that the building's form and function would be harmful to the character of the area, its size and profile, when viewed from neighbours, would not be dissimilar to the existing detached garage. Moreover, it is adequately separated from the facing rooms of neighbouring homes, including

number 36 Junction Road, such that it would not result in an intrusive or unneighbourly feature.

11. I conclude that the proposed development would not appear overbearing for these neighbours and would, therefore, not adversely affect the living conditions of the occupants. The proposal thus complies with policy 7 of the HLP in this particular regard. This policy, amongst other matters, aim to ensure that development does not adversely affect the living conditions of existing residents.

Parking and access

12. Vehicle parking is proposed for the dwelling by providing a space that runs parallel to the service lane known as Lita Mews. This area is presently fenced off. The extent of the highway boundary was queried by the Council. However, the appellant has provided evidence to show that the entire extent of the application site is within their ownership, and this includes the service lane and parking space. I am therefore satisfied that this parking can be provided without encroachment onto the public highway, in a satisfactory arrangement and that the parking space would be used for the proposed dwelling.
13. A condition could be imposed to require more precise details of this parking space so as to ensure it does not impede on the free flow of vehicles accessing the housing development to the rear or other servicing requirements along this lane.
14. As such, I conclude that the development complies with policies 24 and 26 of the HLP and T6 of the LonP. These policies relate to the provision and accessibility of parking spaces for new dwellings.

Planning Balance

15. The Council cannot demonstrate a five-year housing land supply of deliverable housing sites. Consequently, the provisions of paragraph 11(d)ii of the Framework should be applied.
16. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal would be harmful to the character and appearance of the area and provide unsatisfactory living conditions for the future occupants. The Framework seeks to ensure that development creates spaces with a high standard of design, and I give significant weight to the conflict between the proposal and policies 7 and 26 of the HLP in this respect.
17. Set against the identified harm, the proposal would make an efficient use of land within an existing urban area and meet the Framework's objectives of boosting the supply of housing. However, the benefits associated with a single new dwelling would be minimal in the context of the Borough's overall shortfall. Nevertheless, I give the provision of this additional dwelling, in these circumstances, moderate weight.
18. However, overall, I conclude that the adverse impacts on the character of the area and living conditions of the future occupants would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. The proposal therefore conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR