



Appeal Decision

Site visit made on 6 March 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2024

Appeal Ref: APP/B5480/W/23/3330805

1 Cowper Road, Rainham, Havering RM13 9TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr L Singh against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0957.23.
 - The development proposed is described as "minor alterations to 1 Cowper Street and construction of new 2b3p attached dwelling to side with parking."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above refers to Cowper Street, however, it is clear from the plans and site address provided that the appeal relates to 1 Cowper Road. The appeal has been determined on this basis.
3. The application was submitted in outline with all matters reserved for subsequent consideration. The appellant has submitted a proposed site plan and elevations, however these are indicative only. I have determined the appeal on this basis.
4. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context, and both parties have had the opportunity to make comments on the revised Framework within their statements and final comments.

Main Issues

5. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area;
 - the effect of the proposed development upon the living conditions of the occupiers of No.1 Cowper Road, with particular regard to outdoor space, outlook and light;

- whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to outdoor space, outlook and light; and,
- car parking.

Reasons

Character and appearance

6. Cowper Road comprises mainly two storey properties that are set behind a small front garden/parking area, made up of mostly semi-detached properties, or terraced properties having similar widths, in a variety of styles, including both hipped roof and gabled properties. Although there is a variety of setbacks from the pavement edge along Cowper Road, there is a relatively uniformed setback in the immediate area of the appeal site. No. 1 Cowper Road is a semi-detached property with a narrow width, the rear sides of properties facing onto Upminster Road South back onto a pathway that runs along the side boundary of the appeal site. The appeal site also has a generous side garden, which is fenced off, there is also a parking space in front of this fence and a parking space across its front elevation.
7. No. 1 Cowper Road does not have a front door, only a large window, with a porch on its side elevation providing access into the property. The submitted documentation makes it clear that the proposal is for the porch to be retained, to allow continued access to No. 1.
8. As a result of the retention of the porch, the illustrative plan shows a dwelling set significantly behind the front elevation of No. 1 and its adjoining neighbour, but considerably wider than these existing pair of semi-detached properties. This would create a terrace of properties with a disjointed appearance, both failing to respect the characteristic building line of properties in this immediate area, and also the width of the existing pair of semi-detached properties. This would harmfully contrast against the established siting and arrangement of properties along Cowper Road.
9. Whilst recognising the plans are illustrative only and should the appeal be allowed the precise details would be assessed at a later stage, nevertheless the retention of the side porch is a clear fixed requirement for the appellant and an inherent part of this proposal. As such a new dwelling would have to be set significantly behind No. 1 Cowper Road, which would likely give rise to the above identified harm to the established arrangement of properties in this area. To this extent, and whilst the path to one side of the appeal site retains a small gap, I am not persuaded that with the retention of the porch a dwelling could be accommodated on the appeal property that respects the character and appearance of the area.
10. I therefore conclude that the proposed development would be harmful to the character and appearance of the area and conflict with Policy 26 of the Havering Local Plan 2016- 2031, adopted November 2021 (HLP) and Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), which amongst other things, require new development to be high quality, which respects, reinforces and complements the streetscene and responds to distinctive local building forms and patterns of development. In addition, the proposal would also conflict with paragraph 135 of the

Framework insofar as it requires development to be sympathetic to local character and history, add to the overall quality of the area, and be visually attractive.

11. The Council referred to conflict with Policy 7 of the HLP on this main issue, that policy supports the development of garden land providing there are no unacceptable impacts, which amongst other things include amenity; accessibility; green infrastructure; biodiversity; and that it does not prevent the redevelopment of other sites. I did not identify any such harm in this case, consequently I did not find that policy to be determinative on this main issue.

Living conditions - No. 1 Cowper Road

12. Along with the porch to the side of No. 1 Cowper Road, it also has a side window along with a single storey part that extends away from its rear elevation.
13. The illustrative plan submitted shows the proposed dwelling would largely be attached to the side of No.1 Cowper Road, and part of the host property's rear part would be demolished to provide it with 10.5 square metres outdoor space.
14. Based on the illustrative plan, it would appear that a proposed dwelling attached to the side of the host property could in principle be developed in a way that would not appear cramped, be harmful to the outlook of the existing occupiers, or result in an unacceptable loss of daylight or sunlight for its reconfigured windows. The proposal also allows for some alterations to the host property (part of the outline proposal), which would involve demolishing part of its rear single storey projection. The precise details of which, would be addressed at reserved matters stage, at that point the effects of the proposal upon the living conditions of the existing occupiers could be assessed in detail.
15. In addition, there is no evidence that a dwelling to the side of the host property would unacceptably reduce the size of the outdoor space serving No. 1. The retained outdoor space shown on the illustrative plan would more than likely be above the minimum size required by Policy D6 of the LP (5 square metres for a 1-2 person dwelling plus an extra 1 square metres for every additional occupier). Again, the details of these aspects would be the subject of detailed consideration at reserved matters stage.
16. I therefore conclude that a suitable scheme for a dwelling could be developed on the appeal site, subject to detailed consideration at reserved matters stage, that would not be harmful to the living conditions of the existing occupiers of No. 1 Cowper Road, and the proposal would comply with Policy 7 of the HLP that amongst other matters, aims to ensure that the amenity and quality of life of existing and future occupiers is not adversely affected. In addition, the proposal would also comply with paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future users.

Living conditions – future occupiers

17. The illustrative plan shows the proposed dwelling would have 27 square metres of outdoor space to its rear side. This would be above the minimum 6 square metres for a 2-bedroom 3 person property required by Policy D6 of the LP. Although the plan is indicative only, and whilst the proposed outdoor space maybe smaller than some of the rear gardens of properties nearby, adequate

outdoor space could nonetheless be provided above that required by Policy D6 of the LP.

18. I note that the Council has also raised concern at the outlook and light for the occupiers of the proposed dwelling. However, these matters would need to be assessed alongside the details of the proposal at reserved matters stage. At this point, based on the information provided and my own site observations, I have no evidence that a side-by-side arrangement of an additional property would not be capable of being developed that would have a satisfactory outlook and adequate daylight and sunlight, with windows on its front and rear elevations.
19. Accordingly, I conclude that a dwelling could be developed on the appeal site that would provide satisfactory living conditions for future occupiers and satisfy the requirements of Policy 7 of the HLP, which amongst other things, requires development to ensure the amenity and quality of life of future occupiers is not adversely affected. In addition, the proposal would also comply with paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future users.

Car parking

20. The appeal site is located in an area with a PTAL rating of 1a, with 2 no. off-street parking spaces, it is also situated within a Controlled Parking Zone (CPZ) with parking limited to resident parking permit holders at certain times of the day. Outside of the appeal site is a designated parking bay (part of the CPZ) that overlaps part of the pavement. I saw on my site inspection that there were other parking bays along Cowper Road, and whilst only a snapshot in time some spaces were empty. In such areas Policy 24 of the HLP requires a 1-bedroom property to have a minimum 0.5 parking space; a 2-bedroom property 1 parking space; and a 3-bedroom property a 1.5 parking space.
21. It is unclear how many bedrooms No. 1 Cowper Road has at present, but given its modest size, it is unlikely to have more than 2 bedrooms, the description of the proposed development refers to a 2-bedroom property. The documentation provided indicates that the proposal would retain 2 no. off-street parking spaces, which could satisfy the parking requirements of Policy 24 of the HLP. As such, the proposal should not add to the parking stress in the local area or require a parking stress survey to be submitted. Ultimately the access and layout details of the proposals would be considered at reserved matters stage, and notwithstanding the identified harm to the character and appearance of the area, I am content that the proposal would not have unacceptable parking impacts.
22. In addition, if the host property were to have 3 or more bedrooms, Policy 24 would not require a full extra parking space in any event (in that case there would be a minimum requirement of 2.5 no. off-street parking spaces).
23. Furthermore, not all future occupiers may have a car, there is a bus stop nearby on Upminster Road South, and Rainham Station is within walking distance, allowing access to the public transport network.
24. The Council has suggested that the proposal would result in the loss of off-street parking space to the side of the host property. However, the area behind the parking space to the side is fenced off, it does not appear to be accessible

or currently used for parking. Consequently, I am not persuaded the proposal would not result in any loss of off-street parking.

25. I therefore conclude that, notwithstanding the harm identified above in terms of character and appearance, a proposed dwelling could be developed on the appeal site with adequate car parking that would likely satisfy the requirements of Policy 24 of the HLP, that amongst other things require minimum car parking spaces be provided to serve new development.

Other Matters

26. The appellant has made me aware that planning permission has been granted for a two-storey side extension to No.1 Cowper Road. Based on the limited information provided, the side extension would be a substantially different proposal to a new dwelling, and it would be much narrower than the proposed dwelling shown on the illustrative plans, and it would not have the same setback behind the existing side porch. As such, that permission does not alter my findings above in respect of the proposed development's effect upon the character and appearance of the area.
27. I note the objections raised by interested parties, which include matters in addition to the above main issues, which I have had regard to. However, as I have found harm regarding the effect of the proposal upon the character and appearance of the area, it has not been necessary for me to consider those matters further.

Planning Balance and Conclusion

28. The Council cannot demonstrate a five-year supply of deliverable housing sites, in this case the provisions of paragraph 11(d)ii of the Framework apply.
29. The benefits of the proposal would include making an efficient use of land within an existing urban area and boosting the supply of housing, which would contribute towards the Council's supply of housing. There would also likely be some economic benefits associated with the construction of the development. However, these benefits are likely to be minimal given the scale of the proposal, and I attach limited weight to them.
30. The proposal would harm the character and appearance of the area and it would conflict with Policy 26 of the HLP. Furthermore, there would also be conflict with the Framework that makes it clear developments should be sympathetic to local character. It also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve. I give this harm significant weight.
31. In view of the above, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies of the Framework taken as a whole.
32. 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 is dismissed.

A Hunter

INSPECTOR