



Appeal Decision

Site visit made on 26 June 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Appeal Ref: APP/B5480/W/24/3337044

590 Upper Brentwood Road, Havering, Romford, Essex RM2 6HU

- 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 Vitaliy Boretskyy against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1200.23.
 - The development proposed is demolition of an existing bungalow and construction of 2 no. semi-detached dwelling units and 1 no. detached dwelling, new dropped kerbs and vehicle crossovers for 3 new off-street car parking spaces, cycle parking, refuse storage and associated landscaping and boundary treatments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government has published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The appeal proposal is for the demolition of an existing bungalow and the construction of two semi-detached dwellings, one detached dwelling and associated infrastructure. As noted in the evidence before me, the demolition of the bungalow and construction of two semi-detached units were approved by the Council under planning application reference P0166.23. During my site visit, it appeared that the semi-detached units have been constructed as per planning application P0166.23.
4. In refusing this application, the Council have made specific reference to the detached dwelling of this proposal in their reasons for refusal. It follows that the main issues presented by the Council relate to the provision of the additional detached dwelling.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the street and garden scene; and,
 - the living conditions of the future occupiers of the proposal, with particular regard to outlook and the provision of outdoor amenity space.

Reasons

Character and appearance

6. The proposed detached property would be located on Ferguson Avenue, whilst the two semi-detached units would be located on Upper Brentwood Road. The immediate street scene which surrounds the appeal site follows a similar pattern. Buildings are located closely together with a setback from the highway offered by driveways and gardens to the front. Ferguson Avenue has a strong similarity and rhythm in the design characteristics of semi-detached dwellings. These properties have defined entrance points which face onto the street. Bay window elements and angled window expressions are also a predominant feature. There is an example of a detached dwelling at 1 Ferguson Avenue. This is a rare example in the immediate vicinity, but it follows a similar style to the semi-detached pairs located along Ferguson Avenue.
7. Although the garden spaces to the rear of the properties in the vicinity are of different sizes and shapes, it is evident that large garden spaces are a characteristic of the immediate locality due to the visible space between buildings to the rear. The two semi-detached dwellings permitted under planning application reference P0166.23 promote a sense of spaciousness when entering Ferguson Avenue. This is due to their distance away from the boundary and space between these buildings and 2 Ferguson Avenue.
8. The proposed detached dwelling would follow the building line set by its neighbouring properties. The proposed detached building would also follow a similar roofscape and provide a front garden space similar to those found within this street scene. However, with its entrance point turned away from the street scene, a lack of similarity in its fenestration design and the absence of the common features found within Ferguson Avenue, the proposed building would fail to assimilate into the street scene. Its absence of these features which are predominant in the immediate vicinity would create a contemporary appearance amongst properties of an older age with little to acknowledge its surroundings. This would break the rhythm found within Ferguson Avenue.
9. Furthermore, sited in this position, the detached building would reduce the spacious gap between the two semi-detached units which have been constructed and the neighbouring property of 2 Ferguson Avenue. Due to its position at the end of a row of properties, its limited site depth would also be evident. This would create the appearance of a garden area which is much smaller than those found at neighbouring properties. As such, the building would appear cramped within this context. Collectively, these elements of the detached building would create a building which would have limited acknowledgement to the design features found within Ferguson Avenue, appearing cramped within its plot.
10. Planning permission has been granted under planning application reference P0166.23 for a hardstanding area for car parking which has now been constructed. Whilst this does erode the length of garden space available for the semi-detached dwellings already constructed, this does not enclose the street scene with a built form.
11. My attention has also been drawn to a series of examples of garden development. This includes the provision of a substation to the rear of 8 Ferguson Avenue and an outbuilding at 160 Cambridge Avenue. These

examples are not easily visible due to their single storey height, unlike the appeal proposal.

12. Additionally, two appeal decisions at 44 Chestnut Avenue (Appeal Reference: APP/B5480/W/15/3004368) and Rear of 80 Heath Park, facing Margaret Road (Appeal Reference: APP/B5480/W/15/3004368) are cited. These examples are not located within a close distance of the appeal site. However, some comparisons can be drawn from the images of the schemes provided. But, these examples appear to share similar design characteristics to their adjacent neighbours, unlike the appeal proposal. More decisively, the corner properties in these examples are built up to the public highway. As such, the character of these areas is dense, unlike the spaciousness offered by the appeal site.
13. A further decision to the Rear of 54 Central Drive (Council Reference: P1679.23) is also cited. In this example, the officer report notes of a similarity between semi-detached dwellings. This is similar to the rhythm I have found along Ferguson Avenue. However, there is one detached unit opposite the site in this example which is contrastingly different to the established style. The officer report further notes that given the constraints to the site and the difference in style that this example is acceptable. In contrast, in the appeal before me, the street scene has a strong set of design characteristics where this is replicated on both detached and semi-detached units. As such, whilst comparisons can be made, there is a difference in contexts due to the departure of design found in the example provided.
14. Overall, I conclude that the proposal would have a harmful impact on the character and appearance of the street and garden scene. It would conflict with Policies D3 and D4 of The London Plan 2021, Policies 7, 10 and 26 of the Havering Local Plan 2021 (HLP) and the guidance found within the Housing Supplementary Planning Guidance 2016 (SPG). These policies seek to ensure that development proposals respect, compliment and respond to the character and features of the street scene and respond to the building form and pattern of development through the established scale, massing and rhythm of the building line. The proposal would also conflict with the Framework which seeks to ensure that development is sympathetic to local character.

Living conditions of future occupiers

15. Policy D6 of The London Plan 2021 requires that a minimum of 5m² of private outdoor space should be provided for 1-2 person dwellings. For dwellings with additional occupants an extra 1m² should be provided per additional occupant. The policy also requires gardens to have a minimum depth and width of 1.5m. In an assessment of the private amenity space to the rear of the detached dwelling, although the space would appear small, the proposal would provide a space which is in excess of the standards required by Policy D6 of The London Plan 2021.
16. However, the assessment of private amenity space is not limited to overall space size. Policy 7 requires residential development to incorporate an appropriate level of amenity space which is designed to be multi-functional and offer a range of leisure and recreation opportunities. The extent of the rear garden boundary would be at a similar depth to the single storey rear extension of 2 Ferguson Avenue. This extension would be located a small distance away from the boundary of the two properties and therefore its overall

height would not enclose the proposed private amenity space to such a harmful extent.

17. Furthermore, the rear elevations of the proposed detached building contain windows of a large height. In consideration of outlook, these windows would allow greater outlook of the private amenity space due to their overall size. When viewed from these windows, the space would appear shallow, but it would extend across the full width of the property. Beyond the rear fence are garden spaces of neighbouring occupiers which contain no substantial structures which would allow for an open outlook which would not feel oppressive to future occupiers.
18. Collectively, the combination of the large fenestration details in the rear elevation, the overall size and width of the garden and open spaces beyond the rear boundary within neighbouring garden spaces would enable appropriate outlook above the fence line for its future occupiers. This space would create a space which is smaller than its neighbours, but functional to offer leisure and recreation opportunities. To conclude, the development would create an adequate private amenity space with a sufficient outlook. As such, the development would comply with the requirements of Policy D6 of The London Plan 2021 and Policy 7 of the HLP.

Planning Balance

19. The parties note that the Council is unable to demonstrate a five-year housing land supply. As such, paragraph 11 of the Framework states that development plan policies which are most important for determining the application should be considered out of date. As there are no relevant policies protecting areas or assets of particular importance in this case, the requirements of paragraph 11(d)ii of the Framework therefore apply.
20. I have found conflict with Policies D3 and D4 of The London Plan 2021 and Policies 7, 10 and 26 of the HLP as I have found harm to the character and appearance of the proposed detached dwelling. On that basis, I conclude that there is conflict with the development plan as a whole. The Framework states that good design is a key aspect of sustainable development which contributes to creating better places. As such, these policies are in general conformity with the Framework and the conflict with them should be given significant weight in this appeal.
21. The Framework refers to significantly boosting the supply of housing. One detached unit and two semi-detached units would make a small contribution to that supply. The site is in a location which hosts a range of services and key facilities. The proposal would also provide local economic benefits during the construction period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. These benefits are factors that weigh to a modest degree in the scheme's favour.
22. The provision of cycle infrastructure is noted. However, this would be of a private benefit to the future occupiers of the proposal. The proposal would also surrender a parcel of land to 2 Ferguson Avenue which would enable access to the rear garden for this neighbouring property and as such would be a private benefit.

23. The proposal would have a harmful impact on the character and appearance of the street and garden scene. When assessed against the policies in the Framework when taken as a whole, the adverse impact to the character and appearance of the area would significantly and demonstrably outweigh the benefits identified.

Conclusion

24. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Smith

INSPECTOR