



Appeal Decision

Site visit made on 26 June 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/B5480/W/23/3335095

75 Eastern Road, Havering, Romford, Essex RM1 3PB

- 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 Steve Basstoe against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0985.23.
 - The development proposed is conversion of existing building into 4 no. apartments together with proposed extensions and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has submitted amended plans (Drawing References 22-012-220-01, 22-012-221-01 and 22-012-222-01). In summary, the amended plans show the access to the rear unit of flat 2 located to the side, removal of rear access steps, the enlargement of the side recess to the basement doors and the provision of an additional section. I note that the Council has commented on these plans in response to this appeal, stating that it would not be prejudicial to consider these plans as part of this appeal. I am satisfied that the amended plans show relatively minor changes to the development considered at the planning application stage. Consequently, I shall accept the amended plans for the purposes of the determination of this appeal. I do not consider that any interested party would be prejudiced in this decision.
3. The amended plans show the removal of access steps to the rear of flat 2. This was a concern and raised in the reason for refusal offered by the Council. The Council noted that this aspect of the proposal would result in the loss of privacy to neighbouring occupiers. As I have accepted these plans which show the removal of these steps, I have not considered this matter further.

Main Issues

4. The main issues are the effect of the proposal on:
 - the provision of family sized dwellings in the area;
 - the character and appearance of the host property, street scene and rear garden environment;
 - the living conditions of future occupiers, with regard to the provision of private amenity space and outlook; and,

- the effect of the proposal on adjacent trees.

Reasons

Loss of a family sized dwelling

5. Policy 9 of the Havering Local Plan 2021 (HLP) states that subdivisions of existing residential properties will be supported where it can be demonstrated that the existing house being subdivided has no less than 120m² of original floor space, and the subdivision would provide a minimum of one family unit of three or more bedrooms.
6. The original floor space of the property would meet the threshold of 120m². The proposal would provide four, one-bedroom apartments. As such, the three-bedroom family unit found within the existing property would be lost. Consequently, this would be contrary to Policy 9 of the HLP as it would result in a loss of a larger family unit.

Character and appearance

7. 75 Eastern Road is a semi-detached property with a bay window and recessed front door. Detailing around the windows, the placement of tall chimney stacks and the shallow pitch of the roof add to the attractive features of the building. This detail is repeated to the other semi-detached property which matches this pair. This is repeated along Eastern Road, however, the design of properties does vary. Properties are located within plots with a small width.
8. The proposal would provide a hip to gable roof change, a rear dormer and a combination of a two storey and single storey rear extension. The change of the building through the development of the gable roof change would alter the appearance of the semi-detached pair. As such, this would cause an imbalance between the two which would result in a jarring appearance of the pair. In addition, due to the limited size of the main form of the building, the rear dormer would add a significant bulk to the roof which would have a degree of visibility from the street scene. By reason of its long projection, the rear extension would appear as a dominant and disproportionate addition in relation to the host building when viewed from the rear of neighbouring properties. However, given the limited width of the appeal site, this would not be easily visible when viewed from the street scene, as noted in other examples in the street scene.
9. The planning history of the site highlights that a prior approval application and certificates of lawfulness have been granted for a single storey rear extension, a hip to gable extension and a single storey out building to the rear. However, information such as a decision notice, officer report or plans is limited. There is a theoretical possibility that these developments could be undertaken. However, the absence of detail does not allow for a comparison of this scheme with this planning history. Therefore, I have assessed the cumulative effect of each element of the proposal. As such, the collective combination of all of the proposed extensions would create a building of a dominant mass and bulk. This would appear as a disproportionate and bulky group of additions which would appear incongruous in the street scene and would unbalance the pleasant symmetry of a semi-detached pair.
10. Several examples of properties which have been extended have been noted. No officer report or decision notice has been provided and therefore, I am unable

to ascertain the reasoning behind these decisions. However, I was able to view these properties during my site visit. There are similarities between the appeal proposal and these examples. Nevertheless, in spite of their long projections to the rear, the buildings generally form part of a semi-detached pair that have not lost their symmetry through roof alterations or large dormer additions. However, 76 Eastern Road is cited. This has a hip to gable change and a projection to the rear. But, as previously noted, no officer report or decision notice has been provided to allow me to understand the reasoning for this change or when permission was granted.

11. To conclude, the proposal would be materially harmful to the character and appearance of the symmetrical pair of semi-detached dwellings and the wider street scene. As such, the development would conflict with Policy 26 of the HLP. The proposal would also be contrary to the Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD). This policy and guidance seek for development to respect and complement the distinctive qualities, identity and character of the site and local area, which responds to the local street scene.
12. Policy 7 of the HLP is quoted by the Council in their reason for refusal. However, upon assessment of this policy, it is not determinative in this assessment of character and appearance due to the aims of the policy which focus on the living conditions of residents.

Living conditions of future occupiers

13. Policy D6 of The London Plan 2021 states that a minimum of 5m² of private amenity space should be provided for one to two person dwellings. A minimum depth and width of 1.5m should also be attained. Policy 7 of the HLP requires development to incorporate a high level of amenity space that is designed to be multifunctional and offer a range of leisure and recreation opportunities. Policy 9 of the HLP requires the subdivision of properties to provide direct access to private amenity space, amongst other things. The private amenity space to the rear of the existing property is a long and deep garden with mature trees and hedging along its boundary. As proposed, the garden would be a communal garden space.
14. In such circumstances, the lack of private amenity space would prevent future occupiers from being able to enjoy an appropriate level of privacy to enjoy any outdoor space of any size. Furthermore, the absence of a private space would remove the opportunity for future occupiers to undertake a range of leisure and recreation activities without hinderance to other residents of the building. As such, whilst providing a large communal space, the proposal would work against the provisions of Policy D6 of The London Plan 2021 and Policy 7 of the HLP.
15. Turning to the matter of outlook, Policy 7 of the HLP notes that development will be supported where it does not result in an unacceptable outlook. Flat 1 would provide a bedroom in a basement, with its access and only window to serve the room created in the form of a stairwell with patio doors. Although these doors would be glazed, they would have limited outlook due to the provision of steps down to the basement access at a close proximity to the entrance into flat 1. As such, this would create a limited outlook to this habitable room which would constrain and enclose this basement flat to the detriment to a future occupier. Whilst I note that the skyline above the steps

would be open to the rear communal garden, this would not overcome the harm of the close proximity of the steps which would limit this outlook. Therefore, the proposal would work against the provisions of Policy 7 of the HLP.

16. To conclude on this matter, the proposal would fail to provide adequate private amenity space to each proposed flat and would not provide an appropriate outlook to flat 1. Therefore, the proposal would conflict with Policies 7 and 9 of the HLP and Policy D6 of The London Plan 2021. The proposal would also conflict with the guidance found within the SPD. The guidance found within the SPD promotes the inclusion of adequate private amenity space and appropriate outlook in residential developments.

Trees

17. 75 Eastern Road hosts a long rear garden with an extensive network of trees which run adjacent to the boundary. The height and maturity of trees located in the rear gardens along Eastern Road promotes a tranquil character in a central area of Romford. The reason for refusal provided by the Council suggests that the proposal would result in the removal, or overall harm to trees located within the appeal site and as such, this would harm the character and amenity of the site. The officer report further suggests that given the proximity of the proposal, some trees may not survive post construction.
18. It has not been demonstrated that trees would be removed at detriment to the area. The appellant notes that trees would be retained as part of the proposed development. Given the separation between the proposal and the trees within the site, there is no evidence before me which demonstrates that the trees found within the site would be harmed during or post construction. Furthermore, I am mindful of the use of a suitably worded tree protection condition. This would ensure that the trees located within the site are adequately protected as part of the development. As such, the possibility of imposing such a condition would offer an element of protection which would alleviate the possible harm to the character and amenity of the site.
19. To conclude, there is no evidence to ascertain that the proposal would harm the trees found within the site. As such, there is no evidence of conflict with Policy 27 of the HLP. Policy 27 states that proposals will be supported that incorporate a detailed high quality landscape scheme which highlights how existing features will be protected during the construction phase. However, I find that the use of an appropriate condition could be used to ensure that any harm would not occur.

Planning Balance

20. The Council is unable to demonstrate a five-year housing land supply. As such, paragraph 11 of the National Planning Policy Framework (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 11d)ii of the Framework therefore apply.
21. I have found conflict with Policy D6 of The London Plan 2021 and Policies 7, 9, and 26 of the HLP as I have found harm to the character and appearance of the proposal, the living conditions of future occupiers and the loss of a family

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 that are of a high standard of amenity for existing and future users. As such, these policies are in general conformity with the Framework and the conflict with them should be given significant weight in this appeal.

22. The Framework refers to significantly boosting the supply of housing. The conversion of a property into four additional flatted units would make a small contribution to increasing that supply. The proposal would provide local economic benefits during the period of construction. The site is also in a location which hosts a range of services and key facilities. Upon completion and subsequent occupation, 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. The construction of the flats to the latest building regulations is a requirement and therefore not a benefit.
23. The proposal would have a harmful impact on the provision of family sized dwellings in the area, the character and appearance of the building and street scene, and have an unacceptable effect on the living conditions of the future occupiers of the proposal. When assessed against the policies in the Framework when taken as a whole, the adverse impact from these issues 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. 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