

Appeal Decision

Site visit made on 13 August 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/B5480/W/23/3330578

1 Torrance Close, Havering, Hornchurch RM11 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Oleg Rudenko on behalf of Omega Design and Build Ltd against the Council of the London Borough of Havering.
 - The application Ref is P0468.23.
 - The development proposed is the erection of a detached one-bedroom two person dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The main issues are the effect of the proposed development on;
 - the character and appearance of the area, and
 - the living conditions of future occupiers with regard to private amenity space.

Reasons

Character and appearance

3. The appeal site is a parcel of land located to the North of No 1 Torrance Close. The parcel of land is largely overgrown and contains a number of large, well vegetated trees, several of which are protected by Tree Preservation Orders. The wider area is generally lined with large, mature trees which lead to the nearby open green space of Harrow Lodge Park. As a result, the area has a verdant character and appearance that the appeal site makes a positive contribution towards.
4. The appellant's Tree Survey Report March 2023 suggests that the three oak trees can be usefully retained, it also recognises their proximity to the proposed dwelling and garden and that facilitation pruning would be required to all three trees. The construction site would be heavily constrained by the

existing trees and require robust protection to ensure that the trees are not damaged during construction.

5. I am mindful of the positive contribution that the trees make to the verdant character and appearance of the area, and while the specific details are not outlined, works to reduce the crown of the trees is likely to undermine the verdant character of the area. Furthermore, due to the constraints within the site it is likely that there will be continued pressure to carry out further works to the trees which would further undermine their valuable contribution to the character and appearance of the area.
6. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Policies 26 and 27 of the Havering Local Plan 2016-2031 Adopted November 2021 (LP) and Policy G7 of the London Plan 2021. Amongst other things, these seek to ensure that development retains and enhances existing landscape features (such as trees) which contribute positively to the site and the character of the local area.

Living conditions

7. The proposed dwelling would have a large private external amenity space which would be located to the rear. I note that the position of the garden has been moved from previous schemes, however, much of this space would still be very close to the protected trees within the site and somewhat beneath the canopy of two of the trees.
8. I find that as a result of the dense tree cover within and surrounding the site, the external space would be an uninviting space which would diminish the usefulness and functionality of this space. I also consider that due to the proximity of the trees and associated risk of leaf and branch drop and bird fouling there would be considerable pressure from future occupiers to carry out works to the trees.
9. I note that the tree coverage could provide some benefits, through shadowing during the summer and the shade providing a cooling effect during the summer. However, I am not convinced that these potential benefits would outweigh the harm through the dark and uninviting space that would be created and would instead more likely lead to pressure to carry out works to the trees.
10. I therefore conclude that the proposed development would provide inadequate living conditions for future occupiers with regard to the private external amenity space. It would be contrary to Policies 7 and 10 of the LP which amongst other things, seeks to ensure that development includes an appropriate level of high quality, useable amenity space.

Other Matters

11. The Council have found that the design of the proposed dwelling would not unacceptably harm the character and appearance of the area and that an acceptable amount of internal space and sunlight would be provided. While I have no reasons to conclude otherwise, these are neutral matters that do not outweigh the harm I have identified.

12. The appellant has referred to an appeal¹ in an attempt to support their case. I do not have the full details in respect of this appeal so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
13. However, from the very limited information before me the proposal relates to a single storey dwelling and while the Inspector's comments on the benefits of tree coverage are noted I cannot be sure of the layout of the site and proximity of these trees in order to make a comparison with the appeal before me.

Planning Balance

14. The proposal would be contrary to Policies 7, 10, 26 and 27 of the LP and Policy G7 of the London Plan 2021. These Policies are consistent with the National Planning Policy Framework (the Framework) in focusing on ensuring that proposals are sympathetic to local character and history, including the surrounding built environment and landscape setting with a high standard of amenity for future users.
15. The Council conceded that it is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
16. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall, and it is more likely to be able to be built out quicker due to its small scale. This attracts significant weight in favour of the proposed development. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. Although this is tempered by the fact that the proposal is only for one dwelling.
17. In this instance, the harm to the character and appearance and living conditions would significantly and demonstrably outweigh the very modest benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
18. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

19. For the reasons given above the appeal should be dismissed and planning permission refused.

D Wilson INSPECTOR

¹ APP/Y2620/W/21/3285078