

Appeal Decisions

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 A Ref: APP/B5480/W/23/3329862

532 South End Road, Havering, Hornchurch RM12 5PA

- 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 T Mahmood against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0114.23.
 - The development proposed is Demolish side extension, Erection of 1x2 bedroom dwelling house with associated amenity space, parking, cycle and refuse storage. Single storey rear extension to host property (532 Southend Road).
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Appeal B Ref: APP/B5480/W/24/3338355

532 South End Road, Havering, Hornchurch RM12 5PA

- 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 T Mahmood against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1493.23.
 - The development proposed is Erection of 1x2 bed dwellinghouse with associated amenity space, rear parking, cycle and refuse storage following demolition of existing side extension and new front porch to host property (532 Southend Road).
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. As set out above there are two appeals on this site. They differ insofar as appeal B is a different design with a reduced overall width and no parking is proposed to the front. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issues for appeal A are the effect of the proposal on;
 - the character and appearance of the area; and
 - highway safety in regard to parking provision.
5. The main issue for appeal B is the effect of the proposal on the character and appearance of the area.

Reasons (Appeal A and B)

Character and appearance (appeal A and B)

6. The appeal site relates to a two storey end of terraced house located within a residential area. The site is located on a corner position with the junction of South End Road and Farm Way. Houses in the area are of a similar style and appearance and are mostly terraced with wide grass verges, open gardens and driveways to the front, which results in an open and uniform character and appearance.
7. Both appeals propose to demolish an existing single storey extension that is to the side of the dwelling and erect a new, terraced dwelling. The proposed dwelling through appeal A would be two storeys and would occupy the majority of the width of the gap between the existing dwelling and footway, particularly towards the rear where the proposal would be immediately adjacent to the footway. The result of the overall width of the dwelling would appear cramped within the plot and stand out as an incongruous feature within the street scene.
8. The proposals would use similar materials to match the existing dwelling and the frontage would be flush with the existing property in order to follow the existing terraced pattern. However, appeal B proposes a chamfered corner with bay window which would extend over the two storeys. While a gap to the side of the property would reduce the cramped appearance, the proposed design would be at odds with other properties in the area and result in an incongruous feature that would upset the rhythm within the street scene.
9. I therefore conclude that the proposed developments would harm the character and appearance of the area. They would be contrary to Policies 10 and 26 of the Havering Local Plan 2016-2031 Adopted November 2021 (LP) and Policy D4 of the London Plan 2021. Amongst other things, these seek to ensure that proposals do not have an adverse impact on the character of the area and are informed by, respect and complements the distinctive qualities and character of the site and local area.

Highway safety (appeal A)

10. Policy T6.1 of the London Plan requires one space to be provided for the existing dwelling and 0.75 spaces for the proposed dwelling. In order to accommodate this requirement, the proposal includes one parking space to the rear of the site which would serve the proposed dwelling and one space to the front of the site for the existing dwelling.

11. The parking space to the front of the existing property would be achieved by widening an existing dropped kerb to allow a car to be parked to the front of the building.
12. The Council consider that the appellant has not demonstrated that the vehicle crossover point would comply with the Council's Domestic Vehicle Dropped Kerb Policy April 2023. Amongst other things, this requires a minimum vehicle crossing width of 4.5m and that any part of the crossing is not within 10m from a junction.
13. The appellant has provided a plan to show the layout of the parking to the front of the appeal site. However, insufficient detail has been provided to show that the crossover would be a sufficient width and not within 10m of the nearby junction of South End Road and Farm Way. As such, based on the evidence before me it is unclear whether the required two spaces can be provided without comprising highway safety.
14. I therefore conclude that the proposed development would unacceptably harm highway safety with regard to inadequate parking provision. It would be contrary to Policies 7, 23 and 24 of the LP and Policy T6 of the London Plan 2021 which amongst other things, seek to ensure that development provided adequate parking provision.

Other Matters

15. The Council have found that the proposed development would not harm the living conditions of the occupiers of neighbouring properties. While I have no reason to conclude otherwise, this is a neutral matter.
16. The appellant has drawn my attention to a development at the neighbouring property, No 534 South End Road. I have been provided with very limited information in relation to this and in any case, each appeal should be considered on its own merits.
17. However, in respect of this development, it differs from the appeal proposal as it appears to be a two storey side extension. While this has brought built form closer to Farm Way, there remains a gap through the garden to the side of the property which maintains the open character of the area and also largely continues the existing fenestration which maintains the uniformity in the street scene. Appeal A would only leave only a very small gap at the side, towards the front and the rear would be built right up to the footway, eroding the open character and appear cramped within the plot. In regard to appeal B, the design differs from the prevailing character in the area and for these reasons the proposals differ from the neighbouring development.

Planning Balance

18. The proposals would be contrary to Policies 7, 10, 23, 24 and 26 and Policies D4 and T6 of the London Plan 2021. These Policies are consistent with the Framework in focusing on ensuring that proposals establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.

19. 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.
20. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. 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.
21. In this instance, the harm to the character and appearance of the area and highway safety 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.
22. 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

23. For the reasons given above, the appeals should be dismissed.

D Wilson

INSPECTOR