

Appeal Decision

Site visit made on 20 August 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 SEPTEMBER 2024

Appeal Ref: APP/B5480/W/23/3332371

63 Avon Road, Upminster RM14 1RE

- 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 Daniel Ruthven against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0491.23.
 - The development proposed is the erection of a two-storey two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site consists of a semi-detached dwelling located adjacent to the junction between Avon Road and Helford Way. The building is set back from the side boundary with Helford Way, and when combined with the dwelling of a similar arrangement on the other side of the junction this gives the entrance to Helford Way a relatively open character.
4. The proposed dwelling would be noticeably narrower than the existing dwelling. This would give the resultant development a contrived and awkward appearance in this prominent position next to the junction. This would be exacerbated due to the projection of the dwelling beyond the building line of Helford Way, which would increase the prominence of the dwelling in views along the streetscape as well as reducing the open character of the entrance to Helford Way.
5. There is no clearly defined pattern of development in the area, but the incongruous appearance of the proposal would still be apparent even within the context of the varied designs and layouts of dwellings in the area.
6. Planning permission has previously been granted for extensions to the property, including a large 2-storey and single storey extension to the side of

the existing dwelling¹. Although the proposal would be set within part of the footprint of the previously permitted extension, the 2-storey element of the extension would not project as close to the side boundary as the appeal proposal. Although the extension would be prominent within the streetscape, including views from Helford Way, it would not be of a bulk and location which would justify the appeal proposal. The previous permissions on the site do not justify the layout and design of the appeal proposal.

7. I conclude that the proposal would lead to significant harm to the character and appearance of the area due to its design and location. The proposal would therefore be contrary to Policy 26 of the Havering Local Plan 2021 which seeks to promote high quality design. It would also be contrary to the Framework with regard to achieving well designed and beautiful places.
8. The Council's decision refers to Policy D4 of the London Plan 2021. However, the appellant sets out that this policy does not refer to how high quality development should be delivered in the context of the wider area and they do not consider that this policy is applicable to the application in question. Policy D4 would appear to address the process of good design rather than design criteria, and the Council has not specified why it considers it is relevant to this case. Based on the evidence before me I conclude that Policy D4 is not relevant to this main issue.

Other Matters

9. The appellant has referred to a number of other developments in the area which they consider set a precedent for the appeal proposal. However, it has not been demonstrated that these are a direct parallel to the appeal proposal on matters including the relationship with nearby properties and junctions, as well as the planning policies in place at the time of their approval. Furthermore, the development at 79/79A Avon Road served to demonstrate the harm that can arise from development adjacent to a junction leading to an overprominent and enclosing effect at an entrance to a residential street.
10. Although there may be built development which is located in close proximity to other junctions in the area, these other locations are distinctly separate from the appeal site and do not establish a prevailing context for it.

Conclusion

11. I have concluded that the proposal would lead to significant harm to the character and appearance of the area.
12. I am mindful of the benefits of the proposal, including the contribution to the supply of housing in an area with good access to services. Furthermore, small sites can make a useful contribution to the speedy delivery of housing and the efficient use of land. However, even then, the benefits arising from a single dwelling would be limited. Residents of the proposal would support local facilities and there would also be economic benefits during construction, albeit these benefits would be of a very limited scale.
13. The proposal would meet relevant space standards, provide off-street parking, and would not harm the amenity of nearby residents. However, a

¹ Ref. P1112.16 approved in December 2016

lack of harm on these issues is not a benefit, and even the quality of accommodation would carry no more than limited weight as a benefit.

14. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. A direction of travel has been outlined within the Written Ministerial Statement (WMS) 'Building the homes we need', which I give significant weight as a material consideration.
15. The Council accepts that it cannot demonstrate a 5 year housing land supply and that the consequence of the Housing Delivery Test is 'presumption'. I have also had regard to the appellant's comments on these matters. The 'tilted balance' of paragraph 11(d) of the Framework is therefore engaged. But even allowing for the Council's housing land supply and delivery as well as the WMS, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when considered cumulatively and assessed against the policies of the Framework taken as a whole.
16. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR