

Appeal Decision

Site visit made on 10 September 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/B5480/W/24/3336792

5A Essex Close, Romford RM7 8BD

- 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 Faraz Riaz against the decision of the Council of the London Borough of Havering.
 - The application Ref is PO811.23.
 - The development proposed is described in the application form as 'change of use from garage to residential with the change of the garage door to a window, the rear door to a bi-fold door and the creation of an internal partition'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the application form is 5A Essex Close (No 5A). My site visit confirmed that the appeal site comprises a garage used in association with the wider site known as No 5 Essex Close (No 5). Whilst acknowledging that No 5A may not be an official address, it differentiates the site from No 5 for descriptive purposes only and I have proceeded to determine the appeal on this basis.
3. The Council previously refused planning permission for a two-storey infill dwelling (Council reference: P2043.21) and conversion of the garage to a dwelling (Council reference: P0357.23). Whilst the appellant has referred to an appendix containing copies of these applications and decision notices, this appendix has not been attached. In any event, this does not affect my ability to determine the appeal proposal on its own merits.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide suitable living conditions for future occupiers, with particular regard to living space, access and noise and disturbance.

Reasons

Character and appearance

5. The entrance into Essex Close is lined by fences, walls and a bungalow. This section of the street leads to a 'T' junction beyond which the majority of dwellings are located. This part of the street is fronted by dwellings of varying architectural styles, set behind similar sized front garden and/or parking areas. Many of these dwellings also have driveways to the side which lead to garages within rear gardens. Dwelling types primarily comprise two-storey semi-detached pairs. Detached and terraced dwellings of differing designs are also present and some of the dwellings have undergone physical alterations including extensions. Despite the variety of development, the main part of the close has a cohesive character and appearance, informed by the regular set back of dwellings from the roadside and the balance between the more frequent semi-detached pairs with regular gaps between.
6. No 5 forms one half of a semi-detached pair of dwellings fronting Essex Close. No 5A is a garage linked to the main dwelling with a single storey flat roof extension with an off-street parking space located in between. A substation located behind a close boarded fence and gate is located to the other side of the garage. Whilst the garage position to the side of No 5 as opposed to within the rear garden is not typical in the cul-de-sac, it's modest scale, brick walls and tiled roof reflect the local vernacular so that it sits comfortably in the street scene.
7. Other than the bungalow located close to street entrance, there are no other single storey dwellings on Essex Close, including the section of the cul-de-sac where No 5 is located. Other than the insertion of doors and windows, no physical alterations to form the new separate dwelling are proposed. Even so, the garage building and associated parking area would no longer function as incidental to No 5. As a small dwelling on a small plot, it would appear totally out of keeping with the prevailing development pattern on Essex Close.
8. The proposed development would also result in contrived subdivision of the plot as the front door would be positioned almost immediately onto the footway around the head of the cul-de-sac, with no front garden. As a result, the proposed development would erode the more spacious arrangement of land and buildings currently associated with No 5, and the proposed single-storey dwelling would appear incongruous amongst the more orderly and spacious frontages of the two-storey dwellings along this section of Essex Close.
9. I conclude that the proposed development would result in a harmful effect on the character and appearance of the area. In this regard, the proposed development would be contrary to Policies 7 and 26 of the Havering London Borough, Havering Local Plan 2016 – 2031 (2021) (HLP) and Policy D6 of Mayor of London, The London Plan, The Spatial Development Strategy for Greater London (2021) (LP) insofar as they require residential development to be of a high design quality that respects, reinforces and complements the local street scene and respects the visual integrity and established scale, massing, rhythm of the buildings and height of the surrounding physical context.

10. The proposed development would also conflict with the guidance contained in the Mayor of London, London Plan Guidance, Housing Design Standards (2023) (HDS) insofar as this expects design proposals to respond positively to the unique characteristics of the site in its wider physical context by demonstrating how the scheme responds to the character of the area and local patterns of buildings and streets.
11. For the same reasons, the development is also contrary to the National Planning Policy Framework (the Framework) which requires planning decisions to ensure that development is sympathetic to local character and establishes or maintains a strong sense of place, using the arrangement of streets, spaces and building types to create attractive, welcoming and distinctive places to live.

Living conditions

12. Other than a marginal change in levels, there is limited differentiation between the road and the footway in front of No 5A. Consequently, there is the potential that occupiers and visitors accessing and egressing the proposed dwelling would be confronted with vehicles using the adjacent turning head of the cul-de-sac. Whilst this may be infrequent, given that the cul-de-sac is not heavily trafficked, it would nonetheless mean that occupiers would need to take care when entering or exiting their home. Furthermore, the rear garden would only be accessible through the proposed bedroom. Taking these factors together, they have the potential to lead to inconvenience for occupiers of the proposed dwelling and would not provide a high standard, safe or accessible living environment.
13. The substation adjacent to the appeal site is enclosed within a building and separated from the existing rear garden of No 5 by a close boarded fence. This part of the site is already used as a garden and this would not change as a result of the proposed development. Furthermore, there would be no habitable room windows overlooking or opening over the substation. I have not been provided with any substantive evidence to suggest that the existing substation generates unacceptable levels of noise. As such, the Council's suggestion that a noise survey is required is too onerous. Even though the proposed development would provide suitable living conditions for future occupiers, with particular regard to noise and disturbance, this does not overcome my other concerns.
14. I conclude that the proposed development would not provide suitable living conditions for future occupiers, with particular regards to living space and access. In this regard, the proposed development would conflict with Policy 7 of the HLP and Policy D6 of LP which require residential development to provide and attractive, safe and accessible living environment and a functional layout that is fit for purpose.
15. For the same reasons, the development is also contrary to the Framework which requires development to have a high standard of amenity for existing and future users and to minimise the scope for conflicts between pedestrians and vehicles.

Other Matters

16. The Council refer to guidance in C10.2 of the HDS to substantiate their concern relating to proposed access to the rear garden being from the bedroom. As this guidance relates to balconies, it is not directly relevant to the appeal proposal. I also acknowledge that the proposed dwelling would meet the required space standards in relation to floor area and the appellant has confirmed that the floor to ceiling height would exceed the minimum ceiling height of 2.5 metres set out in the HDS. However, none of these matters alter my view that the proposed development would not provide suitable living conditions for future occupiers.
17. The proposed development would make a minor yet positive contribution to housing supply. Benefits of the proposed development include utilising a brownfield site within an existing settlement, increasing natural surveillance at the end of the cul-de-sac, contributing a smaller one-bedroomed dwelling to the local housing stock, the generation of employment during construction and additional support for services and facilities in the local area. However, given that the proposed development is for one additional dwelling, these associated benefits would be limited.

Planning Balance

18. The Council has acknowledged that it is not able to demonstrate a five-year housing land supply. As such, Paragraph 11 d) of the Framework is a relevant consideration.
19. In the particular circumstances of this case, the harm to the character and appearance of the area and to living conditions of future occupiers would be significant and would conflict with the aforementioned policies of the Framework. The adverse impacts of the proposed development would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development is not a material planning consideration in this case.

Conclusion

20. The proposed development would conflict with the development plan as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR