

Appeal Decision

Site visit made on 17 September 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2024

Appeal Ref: APP/B5480/W/23/3332408

222 Upminster Road South, Havering, Rainham RM13 9BH.

- 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 Ms Michelle Duckett against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0349.23.
 - The development proposed is erection of 3 bedroom self-contained dwellinghouse adjacent to the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed dwelling on the character and appearance of the area;
 - whether the proposed dwelling would provide acceptable living conditions for future occupants with regard to ceiling height; and
 - the effect of the proposal on the safe and efficient operation of the local highway network with regard to parking provision.

Reasons

Character and appearance

3. The appeal site is in a residential area, where the linear pattern of development forms strong building lines. The majority of dwellings are set back slightly from the footway with small gardens to the front and long narrow gardens to the rear. Most corner plots also have side gardens which create a sense of openness and have a positive effect on the character and appearance of the area.
4. 222 Upminster Road South (No 222) is a traditional two storey end of terrace house that occupies a plot on the corner of Upminster Road South and Grangewood Avenue. The properties in the terrace retain original details, including double height curved bays which have a pitched gable roof, and

- form a consistent rhythm of development. There is a garden area at the side of the property with landscaping that includes mature plants and shrubs.
5. The proposal is for the subdivision of the plot to allow for the erection of a two storey property that would be attached on the end of the terrace and would take up the area of garden to the side of No 222. The proposed dwelling would be narrower than No 222 and would include a wide, square, two storey bay on one side of the front elevation that would have a pitched gable roof. The scheme also includes a single storey element that would wrap around the side elevation and would be stepped to reflect the angled side boundary of the plot.
 6. The proposed scheme would result in development right up to the side boundary of the plot and would erode the sense of openness on the corner. The stepped wrap around single storey element would further increase its prominence. Also, the proposed dwelling would include design elements that would not reflect the other properties on the terrace, including the square bay which would be centred on the front elevation and would also have a larger pitched gable roof.
 7. The proposed design would not reflect the other properties of the terrace and would interrupt the established rhythm of development. It would also have the uncharacteristic appearance of an overly cramped form of development on a constrained site. The design of the proposal would not therefore be sympathetic to the character and appearance of the area and would not comprise high quality design.
 8. I note that the appellant has aimed to take a contemporary approach in terms of design that reflects the proportions of No 222, that would utilise a palette of external materials and some design details to match existing. However, this would not ameliorate the harm which would be caused by the overall poor design of the proposal.
 9. For the reasons detailed above the proposal would have a harmful effect on the character and appearance of the area. Therefore, the proposal would be contrary to Policy 26 of the Havering Local Plan 2016-2031, 2021 (HLP) and Policy D4 of the London Plan 2021 (LonP). These policies are consistent with the National Planning Policy Framework (the Framework) in requiring that development proposals are of a high architectural quality and design and maintain design quality.

Living conditions

10. The proposed dwelling would have an internal ceiling height of 2.4m. Therefore, the property would fall below the minimum ceiling height requirement of 2.5m for at least 75% of the GIA as required within Policy D6 of the LonP. The supporting text for this policy goes on to describe how ceiling heights can affect the quality of living accommodation for future occupants in terms of 'daylight penetration, ventilation and cooling and sense of space'. Even a relatively small shortfall in terms of the minimum ceiling height would have a harmful impact on the living conditions of future occupants in these respects.

11. The internal ceiling height of No 222 may be 2.4m. However, this property was erected prior to the adoption of the current development plan. The appellant asserts that achieving a ceiling height of 2.5m would result in structural complications and have a harmful impact on the design. However, there is no substantive evidence before me to demonstrate that this would be the case.
12. For the reasons detailed above the proposed dwelling would provide unacceptable living conditions for future occupants with regard to ceiling height. Therefore, the proposal would be contrary to Policies 7 and 10 of the HLP and Policy D6 of the LonP which set the current minimum standard for internal floor to ceiling height and support garden and backland development only when they would not have a significant adverse impact on the amenity of future occupants.

Parking

13. No 222 is currently served by a single parking space that is accessed off Grangewood Avenue. This parking space would be assigned to the proposed dwelling and No 222 would have no off street parking. The appeal site is within an area that has a low PTAL rating of 1b and the Council's standards require a minimum of 1.5 car parking spaces in this instance.
14. The appellant states that an additional parking space on Upminster Road South was provided at the request of the appellant. However, it is unclear, from the evidence before me that this parking space is for the sole use of the occupants of No 222. I also noted on my site visit that there are limited opportunities for on street parking in the area.
15. Whilst the occupants of No 222 may not be entirely dependent on a private car for all day to day transport requirements; the low PTAL rating indicates that there is poor access to the wider public transport network, which would limit the accessibility of the site for occupants. As such occupants might want to own and park a vehicle for those journeys that aren't possible or practical on public transport. It is noted that other properties in the terrace may not have a private parking space. However, there is no substantive evidence before me to demonstrate that the proposed scheme would not exacerbate the level of parking stress in the area and have a detrimental impact on the safe and efficient operation of the local highway network.
16. For the reasons detailed above the proposal would have a harmful effect on the safe and efficient operation of the local highway network with regard to parking provision. Therefore, the scheme would be contrary to Policy 24 of the HLP and Policies T6 and T6.1 of the LonP which set minimum residential parking standards for parts of London that are PTAL 0-1.

Other Matters

17. The Council have raised no objection in relation to other amenity standards for future occupants. They have also raised no concerns regarding the living conditions of neighbouring occupants. Further, the property would be of an appropriate energy and water efficient design and would include suitable provision for cycle and waste storage. However, the absence of harm in these

respects form neutral factors in my assessment of the appeal, weighing neither for nor against the proposal.

18. My attention has been drawn to other developments on corner plots in the area. However, full details of the planning history of these developments have not been provided. As such there is no evidence before me to demonstrate that these schemes were assessed under the current development plan. As such, I cannot be certain that the policy that applied to the assessment of these developments are not directly comparable to the case before me.

Planning Balance and Conclusion

19. I have found that the development would cause harm to the character and appearance of the area, the living conditions of future occupants and parking provision. As such the development would conflict with the development plan as a whole. Policies 7, 10, 24 and 26 of the HLP and Policies D4, D6, T6 and T6.1 are largely consistent with the provisions of the Framework in seeking to achieve well-designed and beautiful places, that achieve a high standard of amenity for future users and allows for the setting of local parking standards that takes in to account the accessibility of the development. As such, I have attached significant weight to the conflict with the policy.
20. The Council concedes that it is unable to demonstrate a 5 year supply of deliverable housing sites. Therefore paragraph 11 (d) of the Framework is engaged. In these circumstances, this sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
21. Given the quantum of development, and scale of the shortfall I afford moderate positive weight to the housing land supply benefits, along with the economic and social benefits of the scheme. Overall, the adverse impacts would significantly and demonstrably outweigh the moderate benefits. Therefore, the proposal would not constitute a sustainable form of development in terms of the Framework.
22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

C Livingstone

INSPECTOR