

Appeal Decision

Site visit made on 10 September 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/B5480/W/24/3341072

139 Park Lane, Hornchurch RM11 1EQ

- 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 Maguire against the decision of the Council of the London Borough of Havering.
- The application Ref is P0900.23.
- The development proposed is described in the application form as 'amendment to proposed new dwellinghouse approved under application reference P1299.22 with the description two storey, 3-bed, end terrace dwelling with associated parking and amenity space, and single storey rear extension to existing dwelling, involving demolition of existing single storey side and rear extension. The amendment is to increase the footprint size of the approved ground floor single storey side annex to project 2.722m from the approved two storey section. An increased projection of 1.579m from the approved plans. The amendment also includes for proposed first floor accommodation over the side annex with internal remodelling to provide an additional bedroom making this a 4B7P house with a total gross internal area of 129.39m². The amendment also includes the addition of four windows and ground floor internal remodelling in connection'.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Maguire against the Council of the London Borough of Havering. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council approved planning permission for a two-storey, 3-bedroom, end terrace house attached to the side of 139 Park Lane (No 139) and an extension to the rear of No 139 (Council reference P1299.22) (approved scheme) in November 2022. The appeal proposal represents an alternative scheme for a two storey, 4-bedroom, end terrace dwelling with associated parking and amenity space. The previously approved scheme has not been implemented. Whilst the proposal before me is different, the existing planning permission is a material consideration in this appeal.

Main Issue

4. The main issues are the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site (No 139) is located on a corner plot at the junction of Park Lane and Trustons Gardens. Park Lane is a main route leading off Hornchurch Road (A124) with two-storey semi-detached and terraced dwellings fronting the same side of the route as No 139, forming a strong building line leading away from the junction. Two-storey and five-storey flats are located in a staggered arrangement opposite No 139. Trustons Gardens is a narrow gently sloping route lined with grass verges and fronted by regular sets of semi-detached dwellings. Mature trees are located along both routes providing a verdant character to the streets. Pebbledash or render are prevalent materials on external surfaces of houses. Therefore, despite the variety of development along Park Lane, the street scene has a cohesive character and appearance, informed by the prevailing linear form and consistency materials, spacing and rhythm of development.
6. No 139 is one half of a semi-detached pair fronting Park Lane which alongside its attached neighbour (No 141) have an overall balance and sense of symmetry due to their similar form and materials. The unified appearance of the pair makes a positive contribution to the cohesive character and appearance of the area.
7. I acknowledge the appeal plot is generous, and the proposed development would not fully extend to the boundary. However, the proposed extension to create the dwelling would result in the formation of a terrace adjoining No 139 and No 141. The width of the proposed dwelling would be considerably wider than the width of the other dwellings in the resultant terrace and would not therefore replicate the same rhythm, size and form. Whilst this additional width would have a lower ridge height and would be distinguishable from the main part of the dwelling through the use of brick quoin features, its flush frontage would fail to break up the large massing of the proposed dwelling. Despite the retention and enhancement of soft landscaping, the use of matching materials and reintroducing features to the dwelling including a chimney and front door canopy, the resulting elongated frontage would dominate and unbalance the adjoining dwellings.
8. Even though the approved scheme would extend beyond the building line of dwellings fronting Trustons Gardens, the proposed dwelling would project even further beyond this building line making it an unacceptably dominant feature in the street scene. The proposed development would therefore fail to respect the linear form, spacing and rhythm of existing development and would result in a building that would be incongruous on this prominent corner plot.
9. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. In this regard the proposal would be contrary to Policies 7 and 26 of the Havering London Borough, Havering Local Plan 2016-2031 (2021) (HLP) which require residential development to be of a high-quality design that respects, reinforces and complements the

local street scene and respects the visual integrity and established scale, massing and rhythm. 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 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.

10. Whilst the Council's reason for refusal also refers to Policy 10 of the HLP, it has not been confirmed that the site falls within the Hall Lane or Emerson Character Areas where criteria relating to development in gardens is relevant. As such, I am not certain that there is conflict with this policy with regards to the effect of the proposal on the character and appearance of the area. Even so, this does not diminish the identified conflict with other policies in the HLP.

Other Considerations

11. The appellant has drawn my attention to several examples along Park Lane where either one or both properties have been extended narrowing the gap between buildings including at the junctions of Mendip Road, Park Crescent, Clifton Road, Bush Elms Road, Hillcrest Road and Clydesdale Road. However, I do not know the full planning circumstances behind the examples given.
12. The development on the corners of Bush Elms Road, Hillcrest Road and Clydesdale Road appear to relate to single storey extensions and are not therefore comparable to the appeal proposal. Development on the corners of Mendip Road, Park Crescent and Clifton Road appear to relate to two-storey side extensions rather than new build dwellings and the side streets each have a differing character and appearance compared to Trustons Gardens. In any case, I have considered the proposed development on its own distinctive merits and site-specific circumstances. These other examples therefore do not alter my overall findings.
13. The proposal would make a minor yet positive contribution to housing supply. Benefits of the proposal include utilising a windfall site within an existing garden in a built-up area, the generation of employment during construction and additional support for services and facilities in the local area. The appellant suggests that there is demand for 4-bed market housing in the area and the new dwelling would be dual aspect with good levels of daylight and sunlight, would meet and exceed space standards, incorporate sustainability measures, have on-site permeable parking spaces, surface water attenuation and provide private amenity space with adequate separation distances to neighbouring dwellings. Be that as it may, given that the proposal is for one additional dwelling, these associated benefits would be limited.
14. I also note that the Council identified no other harm over that that listed in its decision notice and the appellant commits to complying with other regulatory regimes such as Building Regulations. However, these considerations indicate the absence of harm rather than any benefit.

Planning Balance

15. The Council has acknowledged that it is not able to demonstrate a five-year housing land supply. As such, whether Paragraph 11 d) of the Framework is a relevant consideration.
16. In the particular circumstances of this case, I have concluded that the harm to the character and appearance of the area would be significant and would conflict with the aforementioned policies and the Framework. The adverse impacts of the proposal would therefore significantly and demonstrably outweigh the limited benefits resulting from one dwelling when assessed against the policies of the Framework taken as a whole. As a result, the proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

17. The proposal 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