



Appeal Decision

Site visit made on 13 August 2024 by I Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2024

Appeal Ref: APP/B5480/W/24/3340705

Land to the rear of 258 Brentwood Road, Romford, RM1 2RP

- 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 Michael Strange against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1490.23.
 - The development proposed is the erection of one single storey, 2-bed, detached dwelling, extension of existing dropped kerb with associated parking and amenity space, following demolition of existing shed and car port.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. A revised National Planning Policy Framework (the Framework) was published between the determination of the application and this appeal (December 2023). The substantive content thereof as it relates to the main issues has not however changed. I am therefore satisfied that no party would be prejudiced by me taking the most up to date version of the Framework into account. I have proceeded on this basis.
4. The appellant has sought to amend the proposal following the decision of the Council as part of the appeal process in response to the refusal reason relating to the living conditions for the future occupiers of the dwelling. These amendments include the repositioning of the main entrance to the opposite side of the dwelling as well as internal changes.
5. The 'Procedural Guide – Planning Appeals – England' advises that if an appeal is made the appeal process should not be used to evolve a scheme. In this case, the proposed amendments include a significant change to the location of the entrance to the dwelling. From the evidence before me, I am not satisfied that either the Council or any third party who would ordinarily have been consulted would not be disadvantaged, as the amendment would materially alter the scheme which is the subject of this appeal. Thus, I have determined the appeal on the basis of the plans originally considered by the Council.

Main Issues

6. The main issues are the effect of the proposal upon:

- 1) the character and appearance of the surrounding area,
- 2) the living conditions of the occupants of 256, 258 Brentwood Road and 2a Osborne Road with particular regard to light and outlook, and
- 3) the living conditions of future occupants of the proposed dwelling with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

7. The appeal site is located in a residential area which is generally characterised by a mix of two-storey semi-detached, detached and terraced dwellings in varied designs. These are set back from the road with rear gardens of reasonable depth. The notable exception to this in the vicinity of the site is 249 Brentwood Road which is a bungalow.
8. The appeal site itself is an irregular shaped plot which I understand was formerly part of the rear gardens of 256 and 258 Brentwood Road. The only access to the site is currently via a pedestrian access from Osborne Road. The appeal proposal is for a single storey dwelling and would be shaped to follow the 'kinked' nature of the appeal site.
9. Given that the area is characterised by buildings which are two-storey in scale, the introduction of a dwelling which would only be around 4.7 metres in height would result in a property which would be at odds with this prevailing character. This out of character appearance would also be emphasised by the relatively narrow width of the bungalow in combination with its overall height and shape.
10. In coming to that view, I acknowledge that single storey properties do exist in the area. However, the most relevant example (249 Brentwood Road) is much wider than the appeal proposal and as a result assimilates more positively with the streetscene.
11. I am also conscious that properties along Osborne Road are staggered and the appeal proposal would be sited forward of this natural building line. This, combined with the depth of the property, only adds to my view that the new bungalow would be out of character with the surrounding area.
12. The Council have set out that they consider the proposal would result in a cramped form of development. However, relative to the plot size, the proposal would provide ample space around it to accommodate both an acceptable level of amenity and parking areas. Furthermore, the space to the side boundaries of the site would be more than ample to provide for suitable distances to ensure that the spacing between properties in the area is maintained.
13. The Council have referred to Policy 7 of the Havering Local Plan 2016 - 2031 (2021) (the LP) in their reason for refusal relating to the character and appearance main issue. However, this policy is largely concerned with matters relating to existing and future living environments rather than issues relating to

the character and appearance of the area. As such, I find no conflict with this policy on this matter.

14. I also acknowledge that Policy H2 of The London Plan (2021) and Policy 10 of the LP support well designed new homes on small sites and that Development Plans should recognise that local character evolves over time. However, whilst the site may well be suitable for some form of residential development, the proposal before me would be harmful to the overall character and appearance of the area and, in my view, this is the determinative factor in this case.
15. For the above reasons, I find that the development would introduce a discordant built form that would be out of keeping with and harm the character and appearance of the surrounding area. Consequently, the proposal would conflict with Policies D3 and D4 of The London Plan and Policy 26 of the LP which, amongst other matters, seek to ensure that developments positively respond to local distinctiveness and respect and complement the local streetscene. It would also be at odds with the overarching design aims of the Framework.

Living Conditions – occupiers of neighbouring properties

16. The proposed dwelling would be located around 2.8 metres at its closest point from the boundary at the rear of Nos 256 and 258 Brentwood Road.
17. The appellant has provided a Daylight and Sunlight Analysis Technical Report (DSATR) with the appeal. This report demonstrates that the rear garden areas of Nos 256 and 258 would have a good level of sunlight to their rear gardens should the appeal proposal be built out. To that end, I consider that the proposal would not have an adverse impact on the availability of sunlight to these properties.
18. In respect of outlook, the introduction of a new building would inevitably result in a change of views from what currently exists. However, despite the linear nature of the appeal building, the height of the proposal is such that it would not appear as an imposing structure when viewed from the rear of Nos 256 or 258. In summary, I consider that the proposal would not give rise to any significant harm to the living conditions of the occupiers of Nos 256 and 258.
19. Turning to the effect of the proposal on the occupants of 2a Osborne Road, the appeal proposal is located broadly north of the existing property and as such there would not be any loss of sunlight. In my view, given the location and height of the proposed bungalow, there would be very little loss of daylight to the rear aspect of No. 2a or its rear garden. This is particularly the case given the existing single storey rear extension at No. 2a.
20. In respect of outlook, it is noted that the appeal proposal would project a significant distance beyond the rear wall of the extension at No. 2a. However, it is also noted that the new dwelling is set away from the boundary and the existing extension is also set at an angle away from the proposal.
21. Taking these factors into account, together with the overall height of the proposal, leads me to the view that the proposal would not have such an adverse impact on outlook to warrant the withholding of planning permission on this ground.

22. For the above reasons, the proposal would not unacceptably harm the living conditions of the occupiers of 256 and 258 Brentwood Road or 2a Osborne Road. As such the proposal would accord with Policies D3 and D4 of The London Plan (2021) and Policies 7, 10 and 26 of the Local Plan which, amongst other matters, seek to ensure that developments do not result in an unacceptable loss of daylight, sunlight or outlook. It would also accord with the overarching aims of the Framework.

Living conditions of future occupants of the appeal proposal

23. The appeal proposal includes a side facing bedroom which would have its only window directly facing the side elevation of 2a Osborne Road. This window would be around 1.5 metres from the boundary fence, beyond which is a two-storey element of No. 2a.
24. Whilst views from this window would clearly be restricted owing to the boundary fence and the dwelling beyond, I am conscious that the bedroom window is set at an angle when compared to No. 2a. As such, views out of this window would not be fully obstructed to the extent that it would be possible to have good views out from this window at an angle of around 20 degrees and above. Taking this into account, the proposal would provide for suitable living conditions for the occupants of the proposed dwelling.
25. For the above reasons the proposal would provide for suitable living conditions for the future occupiers of the dwelling and the proposal would accord with Policies D4 and D6 of the London Plan and Policies 7, 10 and 26 of the LP which amongst other matters seek to ensure that new development has a high-quality living environment.

Other Matters

26. I have also had regard to the comments raised in the representations received on the proposal, including matters relating to highway safety (including school traffic), loss of green space and trees, loss of privacy, noise disturbance and waste provision. However, none of these matters raised amount to a further compelling reason why planning permission should not be granted.

Planning Balance

27. From the evidence before me, the delivery of housing in the London Borough of Havering has fallen below the requirements set out in the Housing Delivery Test and as such the provisions of paragraph 11d of the Framework apply.
28. In this case, I have found that the proposal would harm the character and appearance of the area. To my mind, this weighs very heavily against allowing the proposed development.
29. That said, the proposal would provide a much-needed additional dwelling which would contribute to future housing delivery. Additionally, the development would bring social benefits as a result of an additional dwelling and economic benefits from the construction process together with its ongoing occupation. In Environmental terms, the proposal offers a possibility to enhance biodiversity. However, these benefits are limited in the overall balance.
30. Taking all of the above factors into account, whilst there are obvious benefits arising from the proposal in terms of housing delivery, I consider that the harm to the character and appearance of the area would significantly and

demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework when taken as a whole.

Recommendation

31. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. I therefore recommend that the appeal should be dismissed.

I Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

32. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR