



Appeal Decision

Site visit made on 6 November 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/B5480/W/24/3347062

Land rear of 7 Chestnut Close, Hornchurch RM12 5SX

- 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 Act Property Investors against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0248.24.
 - The development proposed is erection of bungalow with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on
 - The character and appearance of the area
 - The quality of living conditions for future occupiers with particular regard to outlook and noise and disturbance
 - The living conditions for existing occupiers with particular regard to the access
 - Highway safety with particular regard to car parking.

Reasons

Character and Appearance

3. Along Chestnut Close, properties front the road with gardens to their rear, some of which contain modest, secondary outbuildings. Rear gardens are unequal, and the garden at no 7 is one of the largest. The houses are regular pairs of semi detached, two storey properties with hipped pitched roofs. The dwellings follow a building line fronting the turning circle. This results in a regular pattern of development and a pleasant sense of openness behind the frontage buildings and these features make a positive contribution to the character and appearance of the area.
4. The appeal scheme would introduce a single storey bungalow, along with an access, car parking space and separate garden to the existing garden of no. 7. This would be a sizeable new independent dwelling to this rear garden area. The proposed dwelling would be accessed via an individual driveway and therefore would not have a clear road frontage nor relate to any building line.

This would unacceptably erode the pattern of development and harmfully undermine the sense of openness in this location. This would be significantly harmful to these positive features of the character and appearance of the area.

5. The proposed building is likely to be visible in glimpsed views from the road, Furthermore, it would be clearly seen from neighbouring properties. As such, this harm would be experienced.
6. There is no dispute regarding the size of the garden that remains for the host property. However, the lack of harm in this regard is a neutral factor that does not weigh in favour of the development.
7. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. As such, it would be contrary to policies 7 and 26 of the Havering Local Plan 2016-2031 (2021) (LP). In part, these require that residential development should be high quality design that provides an attractive living environment for new residents
8. Policy 10 of the LP relates to garden and backland development and sets criteria that should be achieved to support such development. However, these do not include a criterion relating to character and appearance in this area and therefore the policies set out above are more relevant to this main issue.

Living conditions for future occupiers

9. The appeal site shares a boundary with the railway line and noise from this is experienced on the site. On the other side of the boundary there is an area of hedgerow with the railway tracks beyond. A Façade Noise and Vibration Assessment report (noise report) has been submitted. This recommends that in order to achieve acceptable noise levels, particular construction and glazing specifications would be required with details for the living room and bedroom. The mitigation includes specific glazing with trickle vents.
10. However, if these windows were opened, the specified sound reduction would not be achieved and consequently occupiers would experience unacceptable noise levels. It would be unreasonable to require that all windows to these main rooms would be fixed shut. Consequently, I am not satisfied that the mitigation could be acceptably carried out in the form proposed. As such the appeal scheme would not provide appropriate noise levels for future occupiers.
11. Bedroom 2 would be served by a single window which is located 1m from the boundary with the railway line. Whilst at present the view would appear somewhat wooded, nevertheless the proximity to this dense boundary feature would result in an unacceptably restricted outlook. Furthermore, the noise report recommends a 2 metre high acoustic fence of solid design to be installed to the garden boundary in order that external amenity spaces achieve acceptable noise levels. Consequently, it is likely that such boundary treatment would be required and this solid material would further enclose and harmfully limit the outlook from this room. Even though the affected room would be a second bedroom, this is a main room to this property and it is reasonable to expect it would not have such limited outlook. Therefore, the inappropriateness of the multiple matters of outlook and noise would result in significant harm to the quality of living conditions for future occupiers.

12. Policy 10 of the LP supports proposals for residential development on garden sites subject to specific criteria. Compliance with this policy would be a consideration as to whether or not the development would be in accordance with the development plan as a whole. However, in this case, for the reasons above the proposed development would conflict with criterion iii of Policy 10. Therefore, the proposed development would be contrary to this policy and it does not support the development proposed.
13. Therefore the proposed development would provide unacceptable living conditions for future occupiers with particular regard to outlook and noise and disturbance. Consequently, in this regard the proposed development would be contrary to policies 7 and 10 of the LP. Together these require that garden development would not have a significant adverse effect on the amenity of new occupiers, and that development provides an attractive living environment for new residents, amongst other things.
14. Policy 26 of the LP mainly relates to high quality design and does not include criteria relating to living conditions. As such, the policies set out above are more relevant to this main issue.

Living conditions for existing occupiers

15. There is hardstanding between no. 6 and 7 and it appears that this has been used for vehicle access, with vehicles passing alongside both houses. The proposed development would extend this access route further along the boundary with no. 6 and a single car parking space is proposed adjacent to this boundary. Hardstanding is proposed to the front of the host property which would provide a car parking space for no.7. Consequently, these occupants would no longer need to use the shared access alongside the dwellings to access parking.
16. Therefore, the proposed development would not significantly change the number of vehicles passing alongside the dwellings. Whilst the access would extend towards the rear of the site this would be further from the houses. Furthermore, due to the size of the proposed property and single car parking space proposed, the number of movements, levels of activity and vehicular movement would be low. As such the proposed development would not be overbearing or significantly harmful to the living conditions of these occupiers in this regard.
17. Therefore, the proposed development would result in suitable living conditions for existing occupiers with particular regard to the access. Consequently, the proposed development would be in accordance with Policies 7 and 10 of the LP and policy D4 of the London Plan (2021) (London Plan). Together these require that development delivers appropriate amenity and that garden development should not have an adverse effect on existing occupants.
18. Policy D3 of the London Plan mainly relates to design analysis, scrutiny and maintenance of design quality. Therefore, the policies set out above are more relevant to this main issue.

Highway Safety

19. Together London Plan Policy T6.1 and Policy 24 of the LP set a requirement for 1.5 car parking spaces for a 3+ bedroom dwelling in this location, and a minimum of 1 space and maximum of 1.5 spaces per unit for a 2 bedroom

dwelling. The proposed development would provide 1 car parking space for no. 7, and one car parking space for the proposed 2-bedroom dwelling. On this basis there is likely to be a maximum of 1 additional car parked on the street as a result of the proposed development.

20. Due to its width, layout and the existing dropped kerbs, parking on Chestnut Close is limited. However, there is on street parking in other nearby surrounding streets and detailed evidence has not been presented that would lead me to conclude that the low level of on street parking that may be associated with the proposed development could not occur on these streets. Consequently, any limited overspill parking could be safely accommodated in the nearby area and this would provide acceptable living conditions for existing and future occupiers.
21. There is an existing access between the properties, however any parking in this location would provide an obstruction in both the existing and proposed arrangements and therefore would not be appropriate. The Council has not presented evidence to detail why the ownership of the land would make the proposed access problematic. In any case, ownership would be a private legal matter and not a planning consideration to which I attribute any degree of weight.
22. Consequently, the proposed development would not lead to harm to highway safety with particular regard to car parking. As such it would be in accordance with policies 23 and 24 of the LP, which in addition to the matters set out above require development which ensures safe use of the highway

Planning Balance

23. The Council cannot demonstrate a five year supply of deliverable housing sites, and states that it has a 3.4 year supply. Furthermore the 2022 Housing Delivery Test results indicate that the presumption in favour of sustainable development contained within paragraph 11 d) would be engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies within the Framework taken as a whole.
24. The proposed development would result in the social and economic benefits associated with the provision of a single new house in a residential area. This would support the Government's aims to boost the supply of homes. Nevertheless, taking into account the scale of the development, this results in important but modest benefits. The lack of harm with regard to highway safety and the living conditions of existing occupiers are neutral factors which do not weigh in favour of the development.
25. On the other hand, for the reasons set out above the proposed development would not create a high quality building or place, which is fundamental to what the planning process should achieve. In addition, it would not provide a high standard of amenity for future users. Consequently together, the multiple harms would be significant.
26. As such, these significant adverse effects would therefore significantly and demonstrably outweigh the modest benefits set out above. Therefore, the

presumption in favour of sustainable development would not apply in this case.

Conclusion

27. 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. For the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR