



Appeal Decision

Site visit made on 5 November 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND DECEMBER 2024

Appeal Ref: APP/B5480/W/24/3345674

Land adjacent to 7 Ferndown, Hornchurch, Havering RM11 3JL

- 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 Faiz Chowdhury against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1413.23.
 - The development proposed is a 1 x 2 bed bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a 1 x 2 bed bungalow at Land adjacent to 7 Ferndown, Hornchurch, Havering RM11 3JL in accordance with the terms of the application Ref P1413.23, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is situated on Ferndown, a cul-de-sac that comprises of a range of properties that are set back from the road at varying distances. The generally open frontages, with lawned front garden areas that extend to the road, provide for a pleasant, spacious residential character.
4. The proposal would comprise of a single storey dwelling set back from the highway and sited between No's 7 and 9 Ferndown. The proposed dwelling would be in a smaller plot than neighbouring properties, however it would be set well back from the highway and this difference would not be prominent. It would share a vehicular access point, but this shared arrangement already exists between two neighbouring dwellings. Whilst it would also have a narrower frontage than the closest neighbouring properties, this would not be visually harmful either given the range of frontage widths on Ferndown.
5. Reference has been made to the proposed property appearing cramped, but it would be set in from both side boundaries and not be at a dissimilar distance to the neighbouring houses at No's 7 and 9 when compared to the spacing between other houses along the cul-de-sac. The proposed dwelling would be set slightly further back than its neighbours to either side and in certain views appear partly behind No. 9, but this setback distant would not be so significant so that it would appear as being within a rear garden environment.

6. The Emerson Park Policy Area Supplementary Planning Document (February 2009) (SPD) sets out that there is little scope for further infilling. The proposed development would not however compromise the spacious characteristic of this part of Ferndown for the reasons set out. It would also comprise of a detached single family, individually designed dwelling as required by the SPD in this sector where the appeal site is located.
7. I therefore conclude that the proposed development would not have an unacceptable adverse effect on the character and appearance of the area. As such, it would comply with Policies 7, 10 and 26 of the Havering Local Plan 2016-2031 and Paragraph 135 of the National Planning Policy Framework (Framework), which seeks, amongst other matters, high quality design and proposals that would not have an adverse impact on the character of the area. It would also not be contrary to the SPD, which seeks to maintain the distinctive character of the Emerson Park Policy Area.

Other Matters

8. The proposed development would result in an increase in the use of the existing shared dropped kerb, but as it comprises of a single additional dwelling, this would not give rise to a significant increase in vehicle movements. The proposed layout would also allow a car to enter and leave in forward gear. Although concerns have been raised in relation to access by larger vehicles, the access arrangements in this respect would be no different to many of the houses on Ferndown. Furthermore, I note that no highway safety concerns have been raised by the Council.
9. I note the representations that the proposal would appear oppressive and result in the loss of privacy as well as the loss of light. The effects on neighbouring occupiers living conditions did not form part of the refusal, and having regard to the single storey form of the proposal and subject to conditions requiring windows to be obscure glazed and limiting further openings in the side elevations, I do not consider there would be unacceptable harmful effects arising to the neighbouring occupiers of properties to either side of the appeal site. Although there will be an increase in activity as a result of the proposed development, the addition of a single dwelling in a predominantly residential area would not give rise to harmful noise or disturbance with lighting similarly being that typically found on residential properties.
10. Representations have been made by a neighbouring occupier that the proposal if allowed would infringe on their human rights, as set out in the Human Rights Act 1998, on the right to respect for family life and the home. As I have found the proposal would not be unacceptably harmful in relation to the first main issue and in relation to living conditions, I do not consider that there would be an interference with such rights.
11. I have taken into account other concerns raised in relation to waste collection, effect on trees, the ecological impact arising from the proposal and on drainage, but there is no substantive evidence that the proposal would be harmful in these regards and in any event, these matters would not outweigh my conclusion on the main issue.
12. I note the concerns relating to the inaccuracies on the application form, including an incorrect certificate having been completed. However, I do not

consider the interests of the neighbouring party have been prejudiced as they are fully aware of the proposed development. Matters relating to rights of way and deed restrictions have been raised. These matters do not however have a bearing on the planning merits of the case.

13. Concerns have been raised in relation to the proposal setting a precedent, with reference having been made to the relevance of a nearby planning permission. I have however dealt with this appeal on its own particular merits, having regard to the evidence and specific circumstances of this case. Any future development would also be considered accordingly on its own merits.

Conditions

14. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity, conciseness and enforceability, I have amended the wording of some of the suggested conditions as appropriate.
15. I have attached a materials condition in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance, along with a scheme for hard and soft landscaping for the same reason. A condition is also necessary requiring details of boundary treatment in the interests of visual amenity and the living conditions of neighbouring residential occupiers. It is not necessary for these to be pre-commencement conditions, as these details can be agreed prior to work being undertaken above ground floor level.
16. Conditions are also necessary requiring windows in the flank elevations of the proposal to be fitted with obscure glazing, for no windows or other openings to be formed in these elevations, and the removal of Permitted Development rights for extensions or enlargements in the interests of the living conditions of neighbouring residential occupiers. A condition is also necessary to limit the hours of construction works and deliveries for this same reason.
17. A condition controlling the emissions from any boilers to be installed in the proposed dwelling is required to minimise the impact on local air quality and for a condition requiring the provision of refuse and recycling facilities to ensure that such matters are satisfactorily addressed in the interests of the character and appearance of the area.
18. For highway safety reasons and to provide an alternative to the car as a mode of transport, conditions are needed in relation to the provision of vehicular parking and for a cycle storage facility. A condition requiring the hard surfacing, including any sub-base, to be formed of porous materials is necessary to reduce water run-off in the interests of flood prevention.
19. A number of conditions have been suggested in relation to accessible and adaptable dwellings, water efficiency and electric vehicle charging, but they would duplicate other regulatory requirements, in this case the Building Regulations and are therefore not necessary and nor is the suggested condition on Community Infrastructure Levy as the levying mechanism is not secured by planning condition.

Conclusion

20. I conclude that the proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No: 230707 L 100 Rev B), Site Plan (Drawing No: 230707 L 101 Rev D), Site Plan (Drawing No: 230707 L 102 Rev D), Plans as Proposed (Drawing No: 230707 L 103 Rev B) and Elevations as Proposed (Drawing No: 230707 L 104 Rev C).
- 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) No development above ground level shall take place until a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 5) No development above ground level shall take place until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.
- 6) The windows in the flank elevations of the proposed dwelling shall be permanently glazed with obscure glass not less than level 3 on the standard scale of obscurity and shall thereafter be maintained, and also be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plans) shall be formed in the flank walls of the building hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extension or enlargement (including additions to roofs) shall be made

- to the dwellinghouse hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.
- 9) No demolition or construction works, or deliveries, into the site shall take place other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No demolition or construction works, or deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
 - 10) Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NOx boiler(s) with maximum NOx Emissions less than 40 mg/kWh. Where any installation(s) do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boiler(s) shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained.
 - 11) Details of refuse and recycling storage for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained thereafter.
 - 12) Details of a cycle store for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained thereafter.
 - 13) Prior to the first occupation of the development hereby permitted, the area set aside for car parking shall be laid out and surfaced to the satisfaction of the Local Planning Authority. The space shall be retained permanently thereafter for car parking and shall not be used for any other purpose.
 - 14) The hard surface hereby approved (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

End of Conditions