



Appeal Decision

Site visit made on 6 November 2024

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/B5480/W/24/3345530

8 Noak Hill Road, Romford, Havering RM3 7LA

- 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 Imam and Kemal Dogus and Bozkurt against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0144.24.
 - The development proposed is Proposed double storey rear extensions of the existing detached building to add 2 new flats, 4 flats in total with associated amenities and facilities and the retention of the ground floor commercial unit with shopfront alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (the Framework);
 - the effect of the proposed development on the purposes and openness of the Green Belt;
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed dwellings with respect to noise and disturbance, light and private amenity space, and for neighbouring occupiers with respect to outlook and privacy;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

3. The site is in the Green Belt. London Plan (2021) Policy G2 confirms that the Green Belt should be protected from inappropriate development and that development proposals that would harm the Green Belt should be refused except where very special circumstances exist. This is consistent with

paragraph 152 of the Framework, which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed.

4. Paragraph 154 c) sets out that the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building is one such exception. The Framework does not define 'disproportionate additions', however the glossary defines original building as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built. There is no evidence before me as to what the 'original building' would be or if the existing building has been extended therefore I can only consider the original building to be that I viewed on site.
5. The information on the application form indicates the existing gross floorspace of the building to be 263.5 sq m, and that there would be overall a gain of approximately 160 sq m from the proposed extension. To the rear, the building would be notably longer. It would be two storey. Although a flat roof is proposed, it would be close to the apex height of the existing property. While there are no volume calculations before me, the proposal would clearly be a substantial addition to the property that would extend well beyond the existing planes of the building. I find it to be disproportionate to the size of the original building.
6. For these reasons, the appeal proposal would constitute inappropriate development in the Green Belt and would be contrary to London Plan Policy G2. It also would not meet any of the exceptions set out in paragraph 154 of the Framework. Paragraph 152 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and Purpose

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and the Planning Practice Guidance confirms this can have spatial as well as visual aspects.
8. Paragraph 143 of the Framework sets out the five purposes of the Green Belt, namely to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
9. The appeal site is a mixed use building with a commercial forecourt to the front and gardens to the rear. It has clearly defined boundaries which distinguish the built form along Noak Hill Road from the surrounding open land in what appeared to be recreational use.
10. There would be an inevitable loss of openness from the introduction of additional built form. However, it would be contained within what would be perceived as the garden of the existing building and would be viewed in the

context of the existing built form fronting onto Noak Hill Road. The proposed development would therefore result in a loss of openness from the introduction of additional built form from not only the extension but the hardstanding, associated cycle parking and proposed works in the amenity space. However, given the small scale of the development and the high degree of enclosure provided by the boundary, this harm would be very limited.

11. The harm I have identified to the openness of the Green Belt would be very limited and localised. However, it would nonetheless be harm and in accordance with the advice in paragraph 153 of the Framework, I attach substantial weight to this harm.

Living Conditions

12. The bedrooms of the proposed ground floor residential unit would all be immediately adjacent to the access and parking facilities serving all of the proposed dwellings. There would be inevitable noise and disturbance from the activity and lights associated with vehicular movements. This would be more prominent in the evening when occupiers would be more likely to be using the bedrooms. Given the activity would include that associated with the other proposed dwellings, I consider the proposal would result in unacceptable living conditions for occupiers of the ground floor unit.
13. The proposed extension would turn the rear of the property into effectively a two storey building, albeit one with a flat roof. This would extend considerably beyond the existing rear elevation of the building and that of the neighbouring property. It would result in a significant increase in the scale and mass of the building when viewed from the neighbouring property. It may be that this would not have an adverse effect on outlook from the rear windows of the neighbouring property. However, the proposed extension would nonetheless be of a significant mass and scale. It would be over-dominant when viewed from the rear garden of the neighbouring property and have an adverse effect on its outlook. This would not be mitigated by the slight variations in the orientations of the properties and sizeable rear gardens they enjoy.
14. The proposed plans show first floor windows in the side elevation overlooking the neighbouring property. While these are shown as being obscure glazed, they would be serving the living space of that unit. This, along with the scale of the windows, would result in a perceived loss of privacy to the neighbouring property. Both of these would, individually and taken together, harm the living conditions of the neighbouring occupiers.
15. The private amenity space to the rear of the property is of a considerable size. It is bounded by mature trees. The Council has raised concerns that this, along with the orientation of the gardens would result in unacceptable levels of light to the garden space and the properties. However, the garden space to the rear of the property is of a good length. Any shadowing and lack of light would be not atypical of residential gardens with mature planting. Taken alongside the open aspect of the property to the rear and side, and the similar length gardens to the neighbouring properties, there would be acceptable levels of light to the proposed dwellings and the rear garden area.
16. A notable area of the rear garden would be lost to the parking provision. However, a considerable communal garden area would remain, along with a private garden space for occupiers of the ground floor unit. The proposed

layout plan does not show any private amenity space for the upstairs flats. However, the amenity space is of sufficient size that individual gardens that would be well in excess of the standards require by the development plan could be provided. If it were considered to be necessary, an amended layout requiring individual private amenity spaces could be secured by condition.

17. I have found that the proposal would provide acceptable living conditions for future occupiers with respect to light and private amenity space. However, the levels of noise and disturbance that would arise from the siting of the access and parking area immediately adjacent to the bedrooms of the ground floor unit would result in unacceptable living conditions for future occupiers of that unit. The proposal would therefore fail to be in accordance with Havering Local Plan 2016-2031 (November 2021) (LP) Policy 7 which requires development to ensure that the amenity and quality of life of future residents is not adversely impacted by unacceptable levels of noise and disturbance. It would also have an unacceptable effect with respect to outlook and privacy for the neighbouring property. This would also be contrary to LP Policy 7 which also seeks to ensure that amenity and quality of life of existing residents is protected from an unacceptable loss of outlook and privacy. In reaching this conclusion, I have had regard to the advice in the Residential Extensions and Alterations Supplementary Planning Document Adopted 2011 which confirms that the side wall of extensions should not contain windows at first floor level where the extension is close to the boundary.

Character and Appearance

18. As referred to above, the proposed rear extension would appear as a flat roof two storey structure. It would be poorly related to the design and scale of the existing building as it would dwarf that structure and have no regard for its scale and roof form. It would be incongruous with the prevailing single storey form of development in the area. It would be visible through the existing built form from a limited number of locations, and in glimpses from the open land beyond through gaps in the boundary landscaping. However, only being visible from a limited number of locations would not overcome the harm that would arise from allowing an extension that does not respect the form and scale of the building on which it would be sited or the form of development in the area.
19. No concerns regarding the proposed shopfront have been put forward and I have no reason to find otherwise. The proposed residential units would be accessed from a single width door on the front elevation of the property. This would be an unassuming door on the same elevation as the commercial shopfront. The introduction of a more prominent door such as found on the exclusively residential properties in the surrounding area would have the potential to cause confusion to visitors of the retail unit and consequent disturbance to the occupiers of the property. I find that the proposal would provide an appropriate access to the dwellings for future occupiers.
20. The proposal also shows the installation of four dormer windows to the front elevation of the property. They would be clearly subordinate to the roof. While I did not observe any other properties with similar dormers, there is sufficient variation in roof forms in the surrounding area that they would not appear inherently incongruous. While their irregular positioning along the roof is somewhat jarring, when taken in the context of the ground floor elevation

which is not symmetrical and has a number of elements, the visual effect of the dormers would be neutral.

21. The existing forecourt is a functional space used to provide parking and servicing space for the retail unit, as well as access to the rear of the property. It does not detract from the surrounding area and provides an important function in supporting the use of the site and minimising the effects on the operation of the highway network. However, were I minded to allow the appeal, enhancements could be secured by condition.
22. There are trees along the boundary of the property. The Council has not put forward any substantive evidence that the proposal would harm those trees and the appellant has indicated that construction methods could minimise any effects. Given the position of the proposal relative to those trees, I consider it is likely that this matter could be addressed by the imposition of an appropriate tree protection condition.
23. The design of the proposed rear extension would not be well-related to the existing building and represent a poor standard of design. While I have found there would be a number of aspects of the development that would not result in harm, these would not outweigh the harm I have identified. I therefore conclude the proposal would not have an acceptable effect on the character and appearance of the area. It would therefore be contrary to LP Policies 26 and 27, and London Plan Policy D3. Taken together and insofar as they relate to this appeal, these require development to enhance local context and ensure development is of an appropriate form for the site. It would also conflict with the advice in section 12 of the Framework which seeks to deliver development that will add to the quality of the area.
24. I do not find conflict with respect to LP Policy 27 with respect to tree protection, or with London Plan Policies D6 with respect to housing quality, D8 with respect to the public realm or D11 with respect to security.
25. The Council's decision notice refers to Policy D4 of the London Plan which concerns the use of tools for design analysis, design review processes and maintaining design quality through to completion. It also refers to Policy D5, however I have not been directed to where the proposal would conflict with the need for design to be inclusive. I find these are not directly relevant to the main issues in this case.

Other Considerations

26. The proposal would deliver two net additional dwellings in an area where the requirements of the Housing Delivery Test have not been met and there is a shortfall in the supply of housing land. The quality of the existing flats would be improved in comparison to the existing and the proposal would provide a mix of dwelling sizes. Despite the small number of dwellings proposed, I attach moderate weight to these benefits given the shortfalls in housing supply and delivery.
27. The site is previously developed land in proximity to existing services and facilities. As a small site, it could be delivered quickly. There would be economic benefits during the construction and occupation stages of the development, along with economic benefits that are provided by a locally accessible shop. Energy efficiency and sustainability measures are proposed

and it is suggested a green roof could be provided. Given the small scale of the proposed development, I attach limited weight to these benefits.

28. Other development may have been approved elsewhere in the Borough which is of a greater scale than this development. I do not have full details of those schemes before me or the reasons why they were considered to be not inappropriate in the Green Belt. Decisions taken in other cases would not alter my assessment of this proposal against the relevant tests for development in the Green Belt.
29. For the reasons given, I find the other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning Balance and Conclusion

30. It is not in dispute that the Council can only demonstrate a 3.4 year supply of deliverable housing land and has failed to meet the requirements of the Housing Delivery Test. Paragraph 11 of the Framework is therefore engaged.
31. My findings in respect of the Green Belt and flood risk means that there are policies in the Framework that provide a clear reason for refusing the development proposed. The proposal does therefore not benefit from the presumption in favour of sustainable development set out in paragraph 11d)i of the Framework.
32. For the reasons given above, the appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to indicate the decision should be made other than in accordance with the development plan. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR