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## Appeal Decision

Site visit made on 12 November 2024

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2025

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**Appeal Ref: APP/B5480/W/24/3344996**

**19 Spey Way, Rise Park, Romford RM1 4YP**

- 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 Tobiasz Szustakowski against the decision of the Council of the London Borough of Havering.
  - The application reference is P1885.23.
  - The development proposed is a 3-bedroom semi-detached single dwelling with 2 no. off street parking spaces.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version. The provisions most relevant for determining this appeal were not altered significantly, and as a result I consider that there is no requirement for me to seek further submissions on the revised Framework; I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

### Main Issues

3. The decision notice issued by the Council gave for which planning permission was refused; two related to the appearance of the proposed development, and two to pedestrian and highway safety. Given the considerable common ground between the pairs of reasons I have grouped them together for the purposes of determining this appeal. The main issues are therefore the effect of the proposed development on:
  - The character and appearance of the area; and
  - The safety of pedestrians and other users of the highway.

### Reasons

#### *Character and appearance*

4. No 19 Spey Way is a corner plot at the junction of Spey Way and Moray Way in a suburban residential area. The appeal property is a two-storey semi-detached dwelling with hipped roof, a form which is widespread in (and indeed dominates) the neighbourhood. The property has a single-storey side extension, close to Moray

Way; it is proposed to demolish this extension and erect a new house with three bedrooms attached to the side of the existing dwelling.

5. The proposed new dwelling would add considerable bulk and mass to the building. The existing extension which, as well as being single-storey, is also set back behind the main front building line on Spey Way, would be replaced with two-storeys built flush to the front building line. Considered on its own, the massing and proportions of the proposed dwelling would be similar to those of the existing house and others in the area. However, it would turn a semi-detached pair into a short terrace and, while there are some short terraces nearby, this would be out of keeping with the prevailing character of the area. Seen from the side or rear, the dwelling would stand well forward of the front building line on the south side of Moray Way (Nos 54-80); it would be very close to the side boundary and would close down the existing sense of spaciousness at that end of Moray Way. It would therefore also be an intrusive and dominant feature in the streetscene.
6. For these reasons, the appeal scheme would represent an incongruous, intrusive and cramped development. It would therefore cause significant harm to the character and appearance of the area. As a consequence, there would be conflict with Policies 7 and 26 of the 2021 Havering Local Plan ("the HLP"), and Policies D3 and D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that residential development is of high-quality design, and respects, reinforces and complements the local streetscene.

#### *Pedestrian and highway safety*

7. The existing dwelling on the site has off-street parking space for two vehicles on the front forecourt, which is entered from Spey Way very close to its junction with Moray Way. This would be retained for No 19 following the appeal development. The parking area at the front of No 19 does not have a dropped kerb, and while I note that there are properties nearby served by dropped kerbs close to junctions, they do not in themselves set a precedent for such an arrangement (I return to other developments more broadly below).
8. The proposed new dwelling would have off-street parking space for two vehicles at the far end of the rear garden, which would be a double-width driveway entered from Moray Way. The proposed access would be an adequate distance from the junction with Spey Way; I note also that there is an existing gate serving a single garage at the rear of the appeal property already. However, it is likely that a new self-contained dwelling would see a marked increase in the number of vehicles using that enlarged access. The submitted drawings indicate that the existing 1.8m high brick wall to the Moray Way boundary would be retained. This would restrict visibility for vehicles leaving the site.
9. There is no substantive evidence before me to demonstrate that safety would be adequate in respect of either the footway crossing and dropped kerb arrangement on Spey Way, or as far as visibility for drivers leaving the parking area for the new dwelling onto Moray Way is concerned. In the absence of such evidence, I must conclude that the proposed development would be likely to be detrimental to the safety of pedestrians or other users of the highway.
10. The development would therefore conflict with Policies 23 and 24 of the HLP, and with Policy T4 of the London Plan 2021. Together, and among other things, these

policies seek to ensure safe and efficient use of the highway, and to see that road safety is improved.

## **Other Matters**

11. The appellant has drawn my attention to other schemes where planning permission has been granted for new dwellings at the side of existing properties, at 53 Garry Way<sup>1</sup>, 50 Helmsdale Road<sup>2</sup>, 54 Faircross Avenue<sup>3</sup>, 42 Helmsdale Road<sup>4</sup>, and 7 Glenton Way<sup>5</sup>. I have not been provided with full details of those other schemes. I have had regard to the photographs provided by the appellant, though these concentrate only on the frontages of those properties rather than their broader context.
12. I was able to view the development at 7 Glenton Way during my site visit; it appears that it must have closed off views along the adjacent part of that street (in front of No 9) to some extent, and thereby caused some harm to the streetscape. Even so it seems likely that, because of the alignment of Glenton Way, that development is less prominent in the street (and the harm therefore also less) than would be the case here. The development at Garry Way had not been carried out at the time of my site visit, and I did not visit the other three properties as they are further from the appeal site. I also do not know what other factors were taken into account when those schemes were approved, though I note that the last three were granted planning permission under the old development plan.
13. The appellant also referred to development at Nos 1, 11, 13 and 16 Spey Way; these appear to have had side extensions – rather than self-contained dwellings – added. These were described as having a “similar setup and location” to No 19 Spey Way; all have dropped kerbs fairly close to road junctions. However, that there may be such examples nearby does not remove the need for the appellant to demonstrate that a similar arrangement would be safe in this case. Taking these points together, which range across both main issues, these other examples do not carry significant weight in favour of this appeal scheme.
14. Planning permission was refused in December 2021<sup>6</sup> and September 2022<sup>7</sup> for proposals to develop a new dwelling alongside No 19; the 2021 decision related to a four-bedroom dwelling, while the 2022 decision related to a three-bedroom dwelling. The 2021 decision was the subject of a dismissed appeal in November 2022<sup>8</sup>. Again, I have not been provided with the full details of those previous schemes. There appear to be some differences in scale between this proposal and the November 2022 scheme, but I have determined this appeal on its own merits.

## **Planning Balance and Conclusion**

15. The Council’s evidence acknowledged that the 2022 Housing Delivery Test (“HDT”) results, published December 2023, showed that it had met only 55% of its housing requirement over the three-year period to 2022. It also has only a 3.4 year supply of deliverable housing sites. In line with Footnote 8 of the Framework, I therefore

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<sup>1</sup> LPA Ref: P1319.23

<sup>2</sup> LPA Ref: P1180.23

<sup>3</sup> LPA Ref: P1007.20

<sup>4</sup> LPA Ref: P1232.19

<sup>5</sup> LPA Ref: P2041.16

<sup>6</sup> LPA Ref: P1914.21

<sup>7</sup> LPA Ref: P1167.22

<sup>8</sup> PINS Ref: APP/B5480/W/22/3299147

consider that the most important policies for determining the appeal should be considered out of date, and the presumption in favour of sustainable development set out in Paragraph 11d) of the Framework applies. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

16. The Framework seeks to significantly boost the supply of housing; it also highlights the important contribution small sites can make to meeting the housing requirement of an area, and notes that they can often be built out relatively quickly. The proposed development would provide a single new dwelling, which could, presumably, be brought forward quickly. Given the very small scale of the scheme, this would represent a modest social and economic benefit.
17. However, for the reasons I have set out above the development would cause unacceptable harm to the character and appearance of the area. In this respect, it would conflict with the provisions of Chapter 12 of the Framework which seek to achieve well-designed places; in particular it would not accord with the requirements of Paragraph 135 which, among other things, seek to ensure that development adds to the overall quality of the area, is visually attractive, sympathetic to local character, and maintains a strong sense of place. Because of the lack of information in respect of parking and access, it has not been demonstrated that there would not be an unacceptable impact on highway safety; there would also therefore be conflict with Paragraph 116 of the Framework.
18. Overall, I consider that the harm from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not amount to sustainable development in the terms set out in the Framework.
19. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development conflicts with the development plan, taken as a whole. There are no material considerations, including those of the Framework, that indicate the proposal should be determined other than in accordance with the development plan.
20. I therefore conclude that the appeal should be dismissed.

*M Cryan*

Inspector