



Appeal Decision

Site visit made on 14 January 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/B5480/W/24/3347717

Land to the rear of 177-179 Mawney Road, Romford RM7 8BX

- 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 J Alexander, The National Housing Group against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1677.23.
 - The development proposed is the demolition of existing garage building and construction of two semi-detached dwellings containing living spaces and 3 bedrooms each, with associated landscaping, car parking, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of the appeal. The Council and the appellant were given the opportunity to comment upon the revisions insofar as they relate to the appeal and I have taken the comments received into account.
3. An appeal was allowed at this site in 2018 for a 2-bedroom single storey dwelling¹. Subsequently, planning permission was granted for an identical scheme in 2021². Both permissions have now expired, although they are a consideration in determining this appeal.
4. The appellant has provided swept path drawings with their appeal statement. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the swept path diagrams do not result in a different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal also having regard to the swept path diagrams.

Main Issues

5. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the area;
 - highway safety, with particular regard to parking provision and arrangements for servicing and emergency access; and,

¹ APP/B5480/W/17/3189409

² P1833.20 dated 1 February 2021

- the living conditions of future occupiers.

Reasons

Character and Appearance

6. The appeal site comprises land to the rear of 177 and 179 Mawney Road, accessed via the forecourt of No 177 passing through a gated driveway to the side adjacent to No 175. The land is currently occupied by a substantial detached outbuilding/garage located adjacent to the boundary with No 175. The remaining area of land is overgrown with some areas of hardstanding.
7. The area is residential in character. The street block formed by Mawney Road, Essex Road, Cross Road and Marlborough Road is lined with predominately 2 storey dwellings with long rear gardens backing onto each other. The block is punctuated by several residential cul-de-sacs including Burleigh Close, Essex Close and Amberley Way. These cul-de-sacs have introduced dwellings backing onto the rear gardens of the main street block.
8. Detached outbuildings are also a common feature located at the ends of gardens along this part of Mawney Road. They vary in scale and footprint and are accessed via a track leading off Essex Road.
9. Despite the presence of the cul-de-sacs, there is little garden land development in the immediate area, as acknowledged in previous appeal decisions³ on this site. However, it was also acknowledged in the 2018 appeal decision⁴ that the presence of a series of outbuildings, some substantial, to the rear of properties within the street block was as much of a feature and characteristic of the area as the street blocks themselves. Nevertheless, the scheme allowed by the 2018 appeal decision was significantly smaller in footprint than the proposal before me and the appeal decision states that the proposed dwelling was smaller than the existing outbuilding on the appeal site.
10. The footprint of the proposed scheme would, however, be significantly larger than the outbuilding currently on site, with the proposed floorspace more than double that of the outbuilding. The footprint of the 2 dwellings would occupy a significant proportion of the space available within the appeal site and would appear as a cramped form of development. Its size and site coverage would appear incongruous within the context of the established pattern and footprint of other outbuildings to the rear of Mawney Road.
11. For the above reasons I conclude that the proposal would be harmful to the character and appearance of the surrounding area. It would conflict with Policy D3 of the London Plan 2021 and Policy 26 of the Havering Local Plan 2016 – 2031 (adopted 2021) (HLP). Taken together and amongst other things, these policies seek to optimise site capacity through a design led approach, state development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness and patterns of development, and support development that respects or complements the distinctive qualities, identity and character of the local area.

³ APP/B5480/W/17/3189409 and APP/B5480/W/17/3167908

⁴ APP/B5480/W/17/3189409

12. The Council refer to HLP Policy 7 in their reason for refusal. Policy 7 refers to design quality with specific regard to the living environment for future residents. Given that it does not directly relate to character and appearance, I do not consider it directly determinative on this issue. I note the Council also refer to Policies D1 and D4 of the London Plan in their evidence, but I do not consider either determinative as they do not directly address the issues in dispute, the policies relating primarily to capacity for growth, means of design scrutiny, analysis and maintaining design quality.

Highway Safety

13. Mawney Road is a busy thoroughfare, with cycle lanes on either side and wide pedestrian footways. There are sporadic on-street parking bays marked on the footway where space allows due to the frequency of crossovers, trees and other street furniture.
14. One car parking space would be provided in front of each proposed dwelling. It is proposed to extend the existing crossover and widen the entrance to the front driveway. The route across the forecourt of No 177 to get to the side access would effectively reduce the amount of space for off-street parking available for the occupiers of the flats at No 177. It is unclear exactly how many parking spaces could currently be accommodated in the forecourt of No 177. However, the proposed access arrangements to the appeal site would necessarily reduce the space available for parking. The appellant indicates that with the proposal in place, at least one parking space would be available on the forecourt for the use of No 177.
15. There is no quantitative evidence before me regarding on-street parking capacity or parking stress. At the time of my site visit on a Tuesday afternoon, few spaces were available around the appeal site on Mawney Road or on Essex Road. There is little evidence before me that would lead me to conclude that the provision of one parking space for No 177 would be sufficient to prevent an increase in the number of vehicles seeking to park on-street. Increased parking demand in areas of limited on-street supply may lead to additional congestion as drivers seek spaces, or park illegally, which would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal.
16. The proposed alterations to the site entrance and crossover would involve widening the entrance by removing a small section of the front boundary wall to the north side. The relationship of the entrance and crossover with the street tree would not change, but the crossover would be located closer to the lamppost. Although in close proximity to the lamppost, there is little substantive evidence before me to suggest that this would cause an unacceptable obstruction to vehicles entering or leaving the site.
17. The swept path diagrams provided with the appeal show that there would be sufficient space for a fire appliance to access the site. The footprint of the appeal scheme means that the space available for manoeuvring is somewhat constrained, particularly when compared with the previously approved scheme. However, the evidence before me indicates that there would be sufficient space for emergency access, and significantly, the London Fire Brigade were consulted during the course of the application and raised no objection in relation to access or the requirement for a water hydrant.
18. Refuse collection for the proposed dwellings would be from Mawney Road, with the bins being moved to the collection point by Mawney Road when required. Other

residential properties along Mawney Road would also have their refuse collected from the street, and I saw no restrictions on this part of Mawney Road that would affect vehicles being able to safely pass a refuse vehicle whilst collections are carried out. Given the proposal is for 2 additional dwellings, the number of extra bins to be collected would have a minimal effect upon the overall time the refuse vehicle would need to stop at this point on Mawney Road. There is no substantive evidence before me which would lead me to conclude that the refuse collection arrangements would harm the safety, or operation, of the highway.

19. Given the constrained manoeuvring area, any deliveries from Heavy Goods Vehicles are likely to have to be carried out on street. This would be the case for the majority of dwellings along Mawney Road and is, in any event, likely to be a relatively infrequent occurrence given the scale of development proposed. I note the Highway Authority had no objection in relation to the effect of servicing upon highway safety. I do not therefore consider there is substantive evidence before me which would lead me to conclude that some additional on-street servicing would unacceptably harm highway safety.
20. For the reasons set out above, the proposed scheme would be in line with the aims of HLP Policy 35 insofar as it requires new development to allow for convenient and safe access for waste collection services.
21. Nevertheless, I conclude that the proposal would be harmful to highway safety due to the loss of off-street parking and consequent increase in on-street parking demand in an area of limited on-street supply. It would run contrary to London Plan Policy T6, which sets out an approach to car parking provision according to public transport accessibility to strike an appropriate balance between meeting the parking needs of the site and neither acting as a discouragement to using public transport nor adding to demand for on-street parking.

Living Conditions

22. The proposed rear gardens to the 2 dwellings would have an enclosed aspect. However, they are of comparable depth to the previously approved schemes. Although the appeal proposal would provide a lesser quantity of garden space than the previously approved schemes, the space provided would nevertheless exceed the minimum requirement of 6 sqm for dwellings of this size, as set out in Policy D6 of the London Plan.
23. Despite their enclosed nature, the size and configuration of the gardens would provide private, useable amenity space with sufficient space for planting, sitting out and allowing washing to dry. Whilst the aspect and views out of the dwellings would be restricted, given the overall size of the gardens, I do not consider this would cause unacceptable harm to the living conditions of future residents.
24. The presence of a first-floor window within the side elevation of 34 Amberley Way may have the effect of reducing the sense of privacy of the future occupiers using the garden. Whilst views into the gardens would be possible from the window, the relationship of this window with the appeal site would be no different than it would have been in relation to the garden of the previously approved schemes. Any sense of overlooking could be mitigated to some degree through planting, and although there would be views of the residential gardens from this first floor window, I find the harm in this respect to be limited.

25. In relation to the living conditions of future occupiers, I conclude that the appeal proposal would be acceptable and in line with the aims of London Plan Policy D6 and HLP Policy 7. Taken together and amongst other things, these policies seek to support developments that have a high-quality living environment for future residents including appropriately sized outdoor space and which do not have an unacceptable effect on privacy or outlook.

Other Matters

26. My attention has been drawn to a development of 5 houses on a backland site known as Toby Way, off Essex Road, which I viewed on my site visit. I note that the context here is somewhat different to the appeal site as the footprint of each house is similar to those on Burleigh Close adjacent, continuing the established pattern and rhythm of development in the immediate area. The appeal proposal, as set out above, is for a much larger built footprint than that of the outbuildings in adjacent gardens. As such, I do not consider the example given is directly comparable to the appeal scheme and I have attached limited weight to it as a consideration; it does not change my conclusion on the overall merits of the proposal.

Planning Balance

27. Set against the harm identified, the proposal would deliver a net gain of 2 new accessible and family sized dwellings and would provide a good standard of accommodation. The proposal would involve the redevelopment of an existing small, brownfield site for which there is both local and national policy support. However, given the small scale of the proposal, 2 additional dwellings would make a limited contribution to the Council's housing stock and as such I attach limited weight to this benefit.
28. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the scale of the proposal, those benefits would be limited. The use of rooftop solar photovoltaic panels would be a benefit to the sustainability of the proposed dwellings and biodiversity would be enhanced through the use of green roofs and additional landscaping; I attach these benefits moderate weight.
29. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning development process should achieve. It also requires that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. In addition to good design, the Framework states that developments should achieve safe and suitable access for all users. Therefore, the conflict between the proposal and London Plan Policies D3 and T6 and HLP Policy 26 should be given significant weight in this appeal.
30. In adopting the Local Plan in 2021, the Inspector acknowledged that whilst there was not a demonstrable 5-year supply of housing sites, given the increase in the requirement at a late stage in the examination, the plan was found to be sound subject to immediate review. The Council confirm that this review has not been completed. The 2023 Housing Delivery Test stands at 61%, indicating that the delivery of housing was substantially below the requirement over the previous three years. In these circumstances paragraph 11d)ii of the Framework is applicable.

31. Footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
32. As described above, the benefits associated with the 2 additional dwellings would be relatively limited even taking into account the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply position. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It also seeks to ensure that safe and suitable access to the site can be achieved for all users.
33. The harm I have identified to the character and appearance of the area, and to highway safety, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

34. 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. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR