



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/24/3348752

389 St Marys Lane, Upminster, Havering RM14 3HR

- 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 Sextan against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0126.24.
 - The development proposed is the construction of a single storey, 2-bedroom 4 person dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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. I have taken the responses received by both parties into consideration in my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of future occupiers, with particular regard to the provision of storage space and pedestrian access.

Reasons

Character and Appearance

4. No 389 St Marys Lane is a semi-detached chalet style dwelling. This part of St Marys Lane comprises predominantly single storey or chalet dwellings with very long rear gardens running to the railway embankment to the north. There is a vehicular and pedestrian access leading off Howard Road which provides access to garages/outbuildings to the rear gardens of 363 to 369 St Marys Lane and 191 to 199 Howard Road, as well as a gate to the garden of the appeal site. The rear gardens of this part of Howard Road back onto the access and onto the appeal site. The cluster of gardens and extensive planting lends the area a verdant and spacious character.

5. The existing access track would be used to provide vehicular and pedestrian access to the proposed single storey dwelling. A new vehicular access gate would be installed, along with hardstanding suitable for parking. The appellant indicates that the access track would be resurfaced to a specification suitable for vehicular and pedestrian access.
6. The footprint of the proposed house and surrounding hardstanding would occupy nearly the full width of the garden. The overall effect of the house and hardstanding accommodating the parking area and access, would be to urbanise the site as a whole. The form of development proposed would harm the existing open, verdant character and appearance to the rear of the dwellings by eroding the contribution that the gardens make to the established character and appearance of the area.
7. There is no substantive evidence of significant garden land development in the area sufficient for it to be a defining feature of the surrounding area's character and appearance. Whilst there are outbuildings within rear gardens, they mostly appear as sheds and garages and are not comparable to the size of the appeal proposal.
8. Whilst I acknowledge that the proposal would not be highly visible from public vantage points, views into the site from Howard Road would be possible through the access road as well as from other rear gardens and surrounding houses. The character of the area is informed by the pattern of development which is not necessarily visible from the street.
9. In this instance the general absence of existing backland development, and the strong suburban perimeter development patterns in the area, mean that the proposed dwelling would not respond to established local patterns of development. It would therefore be out of character with its surroundings.
10. In conclusion, for the reasons set out above, the proposal would harm the character and appearance of the area. It would conflict with Policy 26 of the Havering Local Plan 2016 – 2031 (adopted 2021) (HLP). This policy, amongst other things, supports development proposals that respect or complement the distinctive qualities, identity and character of the local area as well as responding to distinctive local building forms and patterns of development.
11. Whilst the Council refer to HLP Policies 7 and 10 in their reason for refusal, Policy 7 refers to design quality with specific regard to the living environment for future residents, and Policy 10 regarding garden and backland development focuses on matters including access, infrastructure and living conditions. Given neither of those policies directly relate to character and appearance, I do not consider them directly determinative on this issue.

Living Conditions

12. Whilst no substantive evidence has been submitted to demonstrate that the access track is unsafe, the fact remains that this is a narrow track with no separate pedestrian footway. However, I accept that due to the nature of the outbuildings and gardens it serves and the form of the road, there is not likely to be significant traffic. Any vehicles using the access would be unlikely to be travelling at speed given the configuration of the access. With this in mind, I am not of the view that the proposed arrangement would be demonstrably harmful to pedestrian safety.

13. I recognise that the access track would not provide a particularly convenient means of access due to the distance of the proposed dwelling from Howard Road. There is no specific policy requirement in the evidence before me for a particular distance to be achieved in this regard and, beyond inconvenience, I find no substantive harm. Although specific details of the proposed surface materials and lighting were not provided as part of the application, these matters could reasonably be secured by appropriate planning condition.
14. Policy D6 of the London Plan requires 2 square metres (sqm) of storage space for a dwelling of this size. The appellant has clarified that the storage area was not labelled on the plans and has confirmed that the plan contains a 1.75 sqm storage area next to the study and shower room. The plans also show that there would be sufficient space within the proposed layout for additional storage, which could reasonably be secured by an appropriate planning condition.
15. In relation to the living conditions of future occupiers therefore, I conclude that the proposal is in line with the aims of London Plan Policy D6 and HLP policies 7 and 10 insofar as they set out standards for the internal living environment, aim to achieve good access and ensure a high-quality living environment for future residents.

Other Matters

16. My attention has been drawn to a series of garden land developments within the borough. I note that the permissions referred to at Abbs Cross Lane¹, High Street Hornchurch², and 132 Lake Avenue³ were decided under previous development plans and are not directly comparable. Another scheme at Lake Avenue, Rainham⁴ is not in the vicinity of the appeal site and is a much larger development for five dwellings and the scheme at 13 Burntwood Avenue⁵ included four dwellings; neither are directly comparable to the appeal scheme in scale.
17. Finally, the permission at 88 Harrow Drive⁶ was for a single storey dwelling in a rear garden. Whilst this is a similar type of development to the appeal scheme, the approved dwelling appears contiguous with garages to Hurtlands Close, and there appears to be a more established pattern of large outbuildings and cul-de-sac development in this location when compared with the appeal site. In any event, I have determined the appeal on its own merits.
18. I am aware that under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) it would be possible to construct an outbuilding of similar dimensions. However, that is not the proposal before me and there is little evidence to suggest that this would present a realistic fall-back position given the proposal is for a separate dwelling.
19. The Council is satisfied with matters including parking, highways, drainage, effect on the living conditions of adjoining residents, the floorspace and size of the dwelling and garden, and flood risk. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to

¹ P1544.04

² P1059.01

³ P1140.09

⁴ P2132.21

⁵ P1189.20

⁶ P0229.22

disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance

20. Set against the harm identified, the proposal would deliver a net gain of one accessible dwelling that could be built out relatively quickly and would provide a good standard of accommodation. The appeal scheme is said to be self-build housing, for which there is particular support within the Framework. I have however attached limited weight to this benefit as no mechanism for guaranteeing self-build has been put forward. Given the small scale of the proposal, a single dwelling would make a limited contribution to the Council's housing stock and as such I attach limited weight to this benefit.
21. 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.
22. 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. Therefore, the conflict between the proposal and HLP Policy 26 should be given significant weight in this appeal.
23. The Council have confirmed the current 5-year housing land supply figure stands at 3.4 years. The 2023 Housing Delivery Test stands at 61%, indicating that the delivery of housing was substantially below the requirement over the previous 3 years. In these circumstances paragraph 11d)ii of the Framework is applicable.
24. 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.
25. As described above, the benefits associated with the additional dwelling 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.
26. The harm I have identified to the character and appearance of the area 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

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

L Francis

INSPECTOR