



Appeal Decision

Site visit made on 18 March 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/B5480/W/24/3351192

28 Tiverton Grove, Romford, Havering RM3 9UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Eduard Tiron against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0445.24.
 - The development proposed is erection of 1 x Two bedroom new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area;
 - Whether the proposed development would provide suitable living conditions for future occupiers having particular regard to outlook and private amenity space; and
 - The effect of the proposed development on the living conditions of existing occupiers of No 145 Dagnam Park Drive (No 145) with particular regard to outlook and privacy;

Reasons

Character and appearance

3. The appeal site relates to a side garden at 28 Tiverton Grove (No 28) in Romford. No 28 occupies a prominent corner plot which is clearly visible from surrounding public vantage points. The surrounding properties comprise rows of terraced housing which are generally set back from the road within narrow plots. Garden areas and off-street parking are largely located to the front with gardens to the rear and are neatly arranged within the street scene. The surrounding area has been designed with spacing on corners to ensure that the area has an open feel which also acts as a visual buffer between built development. All these aspects combine to give a clear and consistent pattern of development with the spaciousness of corners contributing positively to the character and appearance of the area.
4. The host property benefits from private amenity space to the front, side and rear. The proposed development seeks planning permission for the construction of 1no.

2-bedroom dwelling in the form of an end of terrace house. The subdivision of the plot to accommodate the proposed dwelling would reduce the amount of external amenity space associated with the existing property, leaving an irregular shaped and small plot for the proposed development. The shape and size of the plot would mean that the proposed dwelling would need to occupy a substantial section of the site. As a result, the overall positioning and siting of the dwelling would sit uncomfortably close to the site boundaries with limited and contrived areas for amenity space provision. This would result in a cramped form of development appearing as inconsistent with the established pattern of development where there is a more coherent arrangement of space associated with the existing dwellings in the locality. I do not dispute that a number of other plots in the area are small and irregular in shape including their outside amenity space but for the greater part there is a good level of space surrounding the properties particularly at corners which is a prevailing characteristic in this locality.

5. The dwelling would be highly visible from Tiverton Grove and a dwelling in this location would unduly enclose the street scene appearing overly dominant in comparison to other properties. The materials may match the host property and surrounding area, and the size of amenity space provision may meet requirements, but this would not negate the perception of overdevelopment on this site as it would still erode the existing pattern of development even if building lines do not overlap.
6. The proposed development would result in a loss of openness to the street scene by introducing development within this corner location which acts as a visual buffer between built development. Consequently, the proposed development would remove this key feature which would be at odds with the surrounding built form. I appreciate that there would be a gap between the proposed dwelling and the neighbouring dwelling at No 145 including a level of space above the single storey outbuilding serving that property. Even so, the level of space/openness would still be significantly reduced to the detriment of the character and appearance of the area. Some corner plots do have connecting single storey elements, but this is a coherent design feature for these properties and is not directly comparable to the appeal site which would introduce a two-storey element to the corner which would appear squeezed into the site and is not consistent with the urban grain of development. I have had due regard to the corner relationship opposite the appeal site at the corner of Dagnam Park Drive but I cannot agree that the relationship is directly comparable. This is because there is far more space retained particularly given the single storey element associated with No 26 Tiverton Grove.
7. For the above reasons, the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would therefore be contrary to Policies 7, 10 and 26 of the Havering Local Plan 2016-2031, 2021 (HLP) which together, amongst other matters, requires development proposals to respect, reinforce and complement the local street scene. For the same reasons, the proposed development would also be contrary to section 12 of the National Planning Policy Framework (the Framework) relating to achieving well designed places.

Living conditions – future occupiers

8. As set out above, the subdivision of the plot to accommodate the proposed dwelling would reduce the amount of external amenity space associated with the

existing property, leaving an awkward triangular space of very limited size available for the proposed development. The limited size and contrived shape of the amenity space means that the main living/dining area of the proposed house would be very close to the boundary fencing of the plot. This minimal separation distance from the main living space to the boundary fence would result in poor outlook for future occupiers who would feel a significant sense of enclosure to the detriment of the use of their living space. Additionally, the private amenity space by reason of its limited size and awkward shape would not provide useable or functional amenity space to the detriment of the amenity of the future occupiers. Whilst there is space for patio doors to open onto a patio area with grassed areas, I am not convinced that such areas would provide sufficient useability given the constrained nature of the plot. The amenity space proposed may meet requirements in terms of size but it would not be high quality or useable as required by Policy 7 of the HLP. Small amenity areas associated with other neighbouring properties would not be a sufficient enough reason to justify harmful development and I have determined this appeal based on its own merits.

9. Whilst not specifically cited as a reason for refusal on the decision notice, the officer's report raises concern regarding the internal ceiling heights whereby the minimum floor to ceiling heights must be 2.5 metres for at least 75% of the gross internal floor area. The appellant explains that the ceiling heights would be around 2.45 metres and claims that the National Technical Space Standards set a minimum requirement of 2.3 metres for at least 75% of the gross internal floor area. Notwithstanding the dispute regarding the overall requirement and even if I considered the requirements set out by the Council, the shortfall in the particular circumstances of this case is very marginal and it would match the dwellings along this row. As a result, such matters are of lesser concern to me but would not overcome the other harm I have identified.
10. For the above reasons, the proposed development would not provide suitable living conditions for future occupiers of the proposed development with particular regard to outlook and private amenity space. It would therefore be contrary to Policies 7, 10 and 26 of the HLP and Policy D6 of the London Plan, 2021 which together, amongst other matters, ensures that the amenity and quality of life of existing and future residents is not adversely impacted.

Living conditions – existing occupiers

11. Neighbouring property No 145 is located to the northeast and at an angle from the proposed building. The rear elevation of No 145 faces westwards over its rear garden area and those of its immediate neighbouring rear garden areas. Outlook to the rear would largely be retained for existing occupiers of No 145 with only angled views of the proposed building being available given the relationship that would exist. There are openings on the side elevation of No 145 whereby the proposed building would be more apparent but again, the angle of the properties to one another would also mean that views would be at an angle with outlook largely retained. The proposed development would be visible when existing occupiers of No 145 are utilising their garden areas to the rear and side of the property. Although the proposed building would be located close to the boundary, there is an existing garage to the direct east which would help to screen some of the development whilst also providing for a level of separation. There is also a good level of space associated with the amenity provision of No 145 with a good level of outlook generally. This ensures that the proposed development would not result in

an unacceptable sense of enclosure for existing occupiers or have an overbearing impact.

12. In terms of overlooking, the relationship/angle between the rear elevations of both dwellings is one which would not allow for direct overlooking to and from windows. Additionally, the proposed window closest to the boundary at first floor level to the rear would serve a bathroom and would be obscure glazed which could be controlled via condition. The window serving the bedroom is a further distance away which also reduces any potential for direct overlooking and there is some screening between the properties which would help to filter any views. Such a relationship between properties is often found within a residential context such as this and does not lead to an unacceptable loss of privacy. The outside amenity areas of No 145 would be visible from the rear elevation of the proposed dwelling particularly at first floor level but outlook would mainly be over its own garden area, and I do not find this relationship between properties to be so uncommon or detrimental to result in a harmful impact.
13. The proposed openings on the side elevation of the proposed building would face out onto the boundary fence at ground floor level and over the existing neighbouring garage at first floor level. The window proposed at first floor level would serve a landing area only and would be obscure glazed which could be controlled via condition. It would not therefore allow for any overlooking opportunities.
14. I do not therefore find the overall relationship to be one which would be so unneighbourly to result in a detrimental impact for existing occupiers. This would not however overcome the other harm I have identified.
15. For the reasons given above, the proposed development would not unacceptably harm the living conditions of existing occupiers of No 145 with particular regard to outlook and privacy. It would therefore accord with Policy 7 of the HLP which explains that the Council will support developments that do not result in unacceptable overlooking or loss of privacy or outlook. For the same reasons, the proposed development would accord with the Residential Extensions and Alterations Supplementary Planning Document, 2011.

Other Matters

16. I am aware of the location of the site in relation to transport links etc and note that the site does not lie within the Conservation Area and is not a listed building. It is also not located within the Green Belt and is located in Flood Zone 1. I also acknowledge the appellant's intentions to utilise space. However, such matters would not alter my findings in relation to the above main issues.

Planning Balance and Conclusion

17. I have found that the proposed development would not unacceptably harm the living conditions of existing occupiers of No 145 with particular regard to outlook and privacy. However, the proposed development would unacceptably harm the character and appearance of the site and surrounding area. It would also not provide suitable living conditions for future occupiers of the proposed development with particular regard to outlook and private amenity space, to which I attribute significant weight.

18. The Council accept that at present they are only able to demonstrate a housing land supply of 3.4 years and therefore cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 8, paragraph 11d)ii of the Framework should be applied. This states that 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.
19. Set against the harm identified, there would be some minor economic benefit through employment during the construction period and some minor economic and social contribution to the local community from a new dwelling. However, the extent to which such matters would be beneficial is limited given the small-scale nature of the proposal and the modest contribution of one dwelling would only make a small difference to the overall supply of housing. Consequently, these benefits attract modest weight.
20. For the above reasons, the adverse impacts in respect of the main issues would significantly and demonstrably outweigh the benefits, 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.
21. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR