



Appeal Decision

Site visit made on 8 April 2025

by **K Williams MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/B5480/W/24/3350693

83 Cecil Avenue, Hornchurch RM11 2ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Gurjit Singh Channa against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0715.24.
 - The development proposed is a new two-storey dwelling at the rear of 83 Cecil Avenue.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of future occupiers; and
 - the effect of the proposal on the living conditions of the occupiers of nearby homes, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site comprises the rear garden of 83 Cecil Avenue. No 83 is a corner property and has a side boundary along Harwood Avenue. The proposed detached dwelling would be located roughly in place of an existing substantial detached single storey garage and would face Harwood Avenue. The character of the area is predominantly residential, comprising homes located along the same building line at relatively close intervals. There is an existing substantial garage on the appeal site. It is set well back from the road and is physically separated from the rear garden of No 83 by substantial fencing. Thus the appeal site appears as a slightly incongruous gap within the streetscene.
4. Homes in the area comprise a mix of detached and semi-detached two-storey properties, and bungalows. Within the area materials tend to comprise differing render; parking is provided in front of homes and there is mix of hip and pitched roofs, dormer windows and side extensions. The proposed two-storey dwelling would be positioned roughly in line with the front elevation of 169 Harwood Avenue. The appeal proposal would reflect the pitched roof of No 169 and that of the detached property at 124 Harwood Avenue across from the site.

5. In my view the proposal would be a similar form and scale to nearby dwellings. The varied type and appearance of dwellings and materials would ensure the proposal would integrate successfully with surrounding homes. The use of timber cladding as a natural material would not be harmfully contrasting in the context of the variety of materials or residential gardens. Furthermore the variation in the front elevation of the proposal would break up the mass of the building. The proposed windows, including the minimal box bay, would be aligned and thus articulated appropriately on the building.
6. Whilst there is an existing large garage in place, the introduction of a two-storey building in this location does not follow the pattern of development in the area. The appeal site forms a space at the end of a garden which marks the beginning of the layout on properties on Harwood Avenue, clearly separating the site from the rear of the buildings and associated land which front Cecil Avenue. This pattern of development is loosely replicated on the opposing side of Harwood Avenue.
7. As such there is some conflict with Policy 26 of the Havering Local Plan 2016-2031, November 2021 (the Local Plan) which requires proposals to respond to patterns of development. However, I am not of the view that this is sufficiently harmful in this particular instance, as the proposed design would be suitable, responding to local building scale and forms and integrating with building line of neighbouring development, and retaining a large garden at No 83. Unlike the opposing side of Harwood Avenue, the appeal site represents a slightly incongruous gap used for garaging and parking cars, which does not contribute visually to the area. The appeal proposal represents an interesting contemporary design which would not cause visual harm.
8. Overall, I conclude that the proposal would not harm the character or appearance of the area. It therefore accord with Policies 7 and 10 of the Local Plan. Together these seek to ensure development is of a high design quality, including support for development on garden sites. The proposal would also reflect the guidance contained within the Framework at paragraph 135 which seeks to ensure development is sympathetic to local character.

Living conditions - future occupiers

9. The London Plan, the Spatial Development Strategy for Greater London, March 2021 (the London Plan) sets out requirements for housing quality and standards in Policy D6. It requires that minimum floor to ceiling heights must be 2.5m for at least 75 per cent of the Gross Internal Area (GIA) of each dwelling. The appellant's evidence states that ceiling heights on both floors in the proposal are 2.4m. Therefore, the proposal would fail to meet point 8) of Policy D6 of The London Plan.
10. The proposed dwelling would exceed the minimum gross internal floor area of a two-storey three-bedroom, four-person home. London Plan Policy D6 states built in storage areas are included. Overall the indicated floor area of 89.2m² includes 0.9m² of built-in storage. Although the appellant has not clearly indicated where the storage could be located, I am of the view that the layout would provide sufficient scope to address the remaining amount of the stipulated 2.5m² of built in storage space.
11. The outlook from the proposed bedroom three would mainly face the blank gable of No 169. This is a relatively short distance from the window. However, there

would be angled views to the sides which would be unobscured, and the proposed window is large. Therefore on balance, I am of the view that the outlook from bedroom three would not be unacceptably comprised.

12. Although the proposal provides a good layout, sufficient space, and the outlook for future occupiers from windows would be acceptable, the justification for ceiling heights is to address the impacts of the urban heat island effect in London and provide adequate space to reside. There is no evidence provided which would obviate this requirement, no matter how small, in this location. Therefore, the proposal would not meet the minimum quality living environment expected by the development plan policies. As such I am not satisfied that the proposal would not result in uncomfortable living conditions.
13. I conclude the proposal would be harmful to the living conditions of future occupiers. The proposal would be contrary to Local Plan Policies 7 and 10 and Policy D6 of the London Plan. Together these seek, amongst other matters, to ensure comfortable living environments and that proposals meet floor to ceiling heights. The proposal would also conflict with the guidance in the Framework at paragraph 135 which seeks to ensure that developments promote health, well being and a high standards of amenity.

Living conditions - occupiers of nearby homes

14. The proposed two-storey dwelling would be situated virtually on the boundary with 85 Cecil Avenue. I note there are existing large outbuildings at the rear of gardens, but in terms of the residential garden environment, the proposal would incongruously stand above the single storey structures. The proposal would be highly visible, and the predominantly blank elevation on the rear would be particularly stark and imposing above any garden boundary and structures. The proposal would affect the openness of the area and obscure views of the sky, particularly from within the garden. Due to the orientation of the development, the proposal may reduce levels of sunlight within the evening.
15. The window to proposed bedroom two is at an angle to the rear of the properties at 83 to 87 Cecil Avenue. The appellants have identified that distances between 20.5m and 25.5m exist to these properties. Although the window is large the oblique angles and distance would reasonably protect privacy within homes. However, the proposal would not prevent the overlooking of garden areas of No's 83 to 87. In particular, I am of the view it would be possible to view the areas closer to the homes, where most activity, such as sitting out on patios occurs.
16. In the case of No's 83 to 87 they are currently afforded a greater degree of privacy as they do not back on to other homes and are separated by the access track. Therefore, the introduction of such development would introduce a marked change in terms of the potential for being overlooked. As such this would not preserve the existing garden environments and would make the garden areas of No's 83, 85 and 87 less enjoyable to use as a result.
17. I therefore conclude that the proposal would be harmful to the occupiers of nearby homes, with particular regard to outlook and privacy within gardens. The proposal is therefore contrary to Local Plan Policies 7 and Policy 10. Together these seek, amongst other matters, to ensure proposals do not have a significant impact on existing residents. The proposal would also conflict with the guidance in the

Framework at paragraph 135 which seeks to ensure that developments promote health, well-being and a high standard of amenity.

Other Matters

18. The Council's officer report indicates it is only able to demonstrate a 3.4 year supply of deliverable housing sites. Paragraph 11 d) of the Framework applies to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Therefore, development should be granted planning permission 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. There would be benefits from the construction of a single home towards the Council's supply of deliverable housing sites and the Government's objective of significantly boosting the supply of homes. Economic benefits would also follow from the construction and occupation of the proposal.
20. The proposal would not result in harm to highway safety. It would also be acceptable in terms of garden space for future occupiers and prove to be satisfactory in terms of energy, water efficiency, cycle and waste storage. The proposal would also seek to ensure that the proposal is secure from theft and crime. However, these are neutral aspects that weigh neither for nor against the proposal.
21. Although the appellant has referred to development at 7 and 9 Hainault Road, I have not been provided with any substantive details of this proposal. However, the evidence before me suggests the Council found the design of this proposal to be acceptable. As I have agreed with the appellant in this respect, the presence of other proposals does not carry any weight in favour of the proposal.

Planning Balance

22. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
23. Although I have found some conflict with the pattern of development, which conflicts with provisions of Local Plan Policy 26, overall the proposal would not cause harm to the character and appearance of the area, and therefore would not be at overall odds with the development plan. As per the aforementioned neutral matters this does not weigh for nor against the proposed development.
24. Weight is attributable to the provision of homes generally, and particularly in the absence of a five-year supply of deliverable housing sites. The proposal would align with the Framework in this respect. However, the scale of the development is very small and as such the benefits from this and the economic benefits only attract moderate weight.
25. However, I have found that the development would cause harm to the living conditions of future occupiers and the occupiers of neighbouring residential properties. The proposal would conflict with Local Plan Policies 7 and 10 and Policy D6 of the London Plan. These Policies reflect the position within the Framework seeking to ensure that development promotes health and well-being,

with a high standard of amenity for existing and future residents. As such I attach significant weight to the conflict with Policies in this respect.

26. Overall, the adverse impacts would significantly and demonstrably outweigh the moderate benefits. Therefore, the proposal would not constitute a sustainable form of development in terms of the Framework. The decision should be taken in accordance with the development plan.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the proposal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR