



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: 15 April 2025

Appeal Ref: APP/B5480/W/24/3345938

The Squirrels, 2A Douglas Avenue, Romford RM3 0UT

- 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 Ulhaq of Pyramid Properties (GB) Ltd against the decision of the Council of the London Borough of Havering.
 - The application reference is P1363.23.
 - The development proposed is the creation of 9 new dwellings and the increase in size of one existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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 main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to amenity space, outlook, access arrangements, and the provision of storage for refuse and bicycles;
 - The effect of the proposed development on living conditions for neighbouring residents of No 2 Douglas Avenue, with particular regard to whether it would be intrusive or overbearing; and
 - Whether the development would include an appropriate housing mix.

Reasons

4. The appeal site is an existing residential development at the corner of Squirrels Heath Road and Douglas Avenue. There are four two-storey blocks of flats arranged in an L-shape along the two external roads; in line with the terminology of

the planning application I refer to them here as Blocks A, B, C and D from the north-west to south-east corners of the site. Each block contains four two-bedroom flats; two on the ground floor and two on the first floor.

5. The frontage to Douglas Avenue is relatively shallow, with eight parking bays interspersed with small areas of lawn and planting; the deeper Squirrels Heath Road frontage has a grassed amenity area screened by trees. The internal space behind the blocks comprises a parking area, entered by a driveway from Douglas Avenue, and a communal lawn. There is a single-storey brick-built bin store alongside the driveway entrance, with a shared storage enclosure and meter building further into the site.
6. There are several elements to the proposed development. Block A would be extended at its northern end towards the neighbouring property No 2 Douglas Avenue. An existing ground-floor flat would be enlarged from two bedrooms to three, a new three-bedroom flat would be created spanning the relocated entrance driveway at first-floor level, and two new two-bedroom flats would be created at second floor level in the existing roofspace. Additional flats would also be created at second-floor level in the other three blocks; Blocks B and D would have two new one-bedroom flats, while Block C would have one one-bedroom flat and one two-bedroom flat.
7. Externally, the existing parking area at the centre of the site would be enlarged, and additional parking places created along the Douglas Avenue frontage. A new bin store would be provided at the south-west corner of the site, and a new bike store provided at the north-east corner.

Character and appearance

8. The appeal site is within a suburban residential area which is primarily, though not exclusively, characterised by pairs of semi-detached houses. Within this broad consistency though, there is a great variety of individual design. As well as numerous semis, there are also detached houses, short to medium terraces of houses, and several bungalows (including dormer bungalows). The four existing blocks of flats on the site are slightly deeper than the neighbouring houses, but in height and width they are comparable to their neighbours (albeit that Block C is a bit wider than the other three blocks). Their brick finish and hipped tiled roofs are also in keeping with the prevalent materials surrounding area; although the blocks have crown rather than ridge roofs, this does not have a significant impact in views from street level. Broadly speaking therefore, at present the appearance of the appeal site is in keeping with that of the wider area.
9. The proposed extension to Block A would make it wider than Block C is at present; this would lead to the loss of its existing semi-detached appearance. However, this would not in itself make the development harmfully incongruous, as given the variety of dwelling types and sizes the character of the area is not defined by absolute consistency or repetition of designs or forms. The roof height of all four blocks would be raised to accommodate the second-floor flats, though this would only be by around 0.5m, so the height of the blocks would still be in keeping with the two-storey housing nearby. In these matters therefore, as well as the proposed materials, the development would be acceptable.
10. The extension to Block A would be built almost up to the site boundary with No 2 Douglas Avenue. There are several examples in the area where two-storey

residential extensions had been built up to boundaries and gaps between buildings have been lost, though I saw that in such cases the neighbouring buildings are often on the same alignment and the side extension is generally set back from the main elevation to some extent (such as at Nos 62 and 64 Squirrels Heath Road, immediately opposite the appeal site); this means that the extensions do not dominate the street scene. Here, although a gap between buildings would be retained, if greatly reduced, the relationship between the appeal site and No 2, as well as the bend in Douglas Avenue, mean that the deep north-facing side elevation would be very visible in views southwards along that road. While the hipped roof form would slightly offset the impact of the extension's bulk, the building would still become a cumbersome and intrusive feature in the streetscene.

11. The rest of the Douglas Avenue frontage would be dominated by the proposed car parking. I note that the proposed overall provision of 38 parking spaces on the appeal site has been set at the maximum level allowed by Policy T6.1 of the London Plan 2021¹, following pre-application advice from the Council which highlighted the poor public transport accessibility of the site. Nevertheless, there remains a need to make sure that any parking provision is well-designed and sensitively integrated into the development, and this would not be achieved here.
12. Notwithstanding that there some aspects of the development would be acceptable, because of the bulk and massing of the extension to Block A, and the dominance of car parking on Douglas Avenue, I consider that the development would cause significant harm to the character and appearance of the area. It would therefore conflict with Policy 26 of the 2021 Havering Local Plan ("the HLP"), and with Policies D1, D3 and D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that new development is of a high quality and design, and respects, reinforces and complements the local streetscene.

Living conditions – future occupiers

13. Policy D6 of the London Plan 2021 requires that a minimum of 5m² of private outdoor space should be provided for one- and two-person dwellings, with an extra 1m² provided for each additional occupant². The new second-floor flats in blocks A, B and D would have private balconies which would comply with this standard.
14. Enclosed amenity areas would be created for the eight existing ground floor flats, including the flat within Block A which would be enlarged as part of the development. However, the amenity spaces for the ground floor flats in blocks A, B and D would be alongside the communal parking courtyard and so would be likely to provide limited privacy for residents. No private amenity space would be provided for the new first-floor flat within the extended Block A, which as a three-bedroom six-person dwelling would be the largest flat in the development and so might be expected to have the greatest need for amenity space, or for the two new second-floor flats in Block C.
15. The appellant suggests that all properties would be less than 40m from the communal amenity space, although the proposed layout suggests that the walking distance from the entrance to the new first-floor flat in Block A would be at least a little longer than this, and by a somewhat convoluted route. Again, the largest of the proposed flats would be the most poorly served in terms of amenity space.

¹ Given that the calculated maximum of 37.5 spaces rounds up to 38.

² This applies where there is no higher standard in the borough's development plan, which is the case here.

16. At present, there is no private amenity space within the development, and residents of all 16 flats share the communal areas at the centre and southern edge of the site. I agree that these spaces – which the appellant described as “very low-grade communal areas” – do not appear to be especially attractive or useful at present, but this appears to be an issue relating to the management or maintenance of what is already there rather than necessarily being a convincing justification for the appeal scheme. The appellant commented that the appeal scheme would lead to “generous increase of high-quality communal amenity space”, though the expansion of the central car parking area would in fact mean a significant reduction in the amount of shared amenity space, regardless of its present low quality.
17. The enlarged parking area within the central courtyard would be very close to the combined kitchen, living and dining rooms in the ground floor flats in Blocks B and C. The extended parking bays along the Douglas Avenue frontage would be even closer to the ground floor bedrooms in blocks A, B and C³. This would lead to those flats having a worse outlook than is currently the case. As parking spaces would not necessarily be allocated to the nearest dwelling, the layout would also increase the risk of neighbours’ comings and goings causing unacceptable noise disturbance for the occupiers of those flats.
18. The Council commented that “the proposed undercroft” – that is, the covered entrance way which would be formed beneath the upper floor extension to Block A – “is presented on plan with a vehicular access with no other details, this would be unacceptable, as it would create a poor quality access route into the site, as no safe pedestrian access gate is illustrated despite the inclusion of a pedestrian footway on the layout plan”. The appellant responded that the proposed pedestrian footpath would be 1.8m wide, but a glance at the scale bar on the submitted site layout suggests that it would in fact be less than 1m wide. While the gating arrangement could be addressed by a condition were the development acceptable in all other respects, the narrowness of the footway is a rather more fundamental problem, not least because it would also provide rather confined access to the front door of the new first-floor flat in Block A.
19. The location of the proposed refuse store at the south-east corner of the site would be very close to one of the bedrooms in the nearest ground-floor flat in Block C. While I note that the Council’s waste team did not object, this siting would be likely to give rise to considerable noise disturbance, as well as possibly also unpleasant odours, for the occupiers of that flat. It would also be poorly located for access from the new first-floor flat in Block A, the occupiers of which would once again face a long and convoluted walk to access the facility.
20. There is no dedicated cycle parking on site at present. The proposed cycle store at the north-east corner of the site would have space for 18 bicycles, which would be sufficient to meet the needs of the occupiers of the nine new flats, and the one extended flat. It would be in a location which would be reasonably (and more or less equally) accessible to all those flats, and I therefore consider that the proposed provision of cycle parking would be acceptable.
21. Nevertheless the proposed development, as a consequence of its shortcomings in respect of the quantity and layout of amenity space, poor outlook, poor access, and the location of refuse storage, would fail to provide future occupiers with acceptable

³ Plus one combined kitchen, dining and living room in Block C.

living conditions. It would therefore conflict with Policy 7 of the HLP and Policy D6 of the London Plan 2021, which among other things seek to ensure that development provides an attractive living environment and high quality of life for future residents.

Living conditions – neighbours

22. I have described the relationship of the proposed extension to Block A and Douglas Avenue in paragraph 10 above. No 2 Douglas Avenue is on a broad plot; it has a wide single-storey side extension, with a hard-surfaced side driveway used for vehicle parking next to the appeal site. These factors would provide a reasonable degree of separation between the habitable rooms and the rear garden of No 2, and the proposed extension to Block A on the appeal site.
23. Notwithstanding my conclusion in respect of its effect on the character and appearance of the streetscene, I am satisfied that the proposed extension would not be harmfully intrusive or overbearing, and the development would not cause unacceptable harm to living conditions for the residents of No 2 Douglas Avenue. The proposal would not therefore conflict on this matter with Policies 7 or 26 of the HLP, which together (and among other things) seek to ensure that development does not have an adverse impact on the amenity and quality of life of existing residents.

Housing Mix

24. Policy 5 of the HLP seeks to ensure that development provides a mix of dwelling types, sizes and tenures, and requires that all housing schemes should provide a proportion of family-sized homes. The proposed development would provide nine new dwellings. Of these, three would be one-bedroom one-person flats, two would be one-bedroom one-person flats, three would be two-bedroom three-person flats, and one would be a three-bedroom six-person flat. Only the last of these new flats would be a family-sized dwelling. The scheme would also include the enlargement of an existing two-bedroom three-person flat to create a three-bedroom five-person flat; this too would become a family-sized dwelling.
25. The proposed development would be market housing, for which the development plan seeks an 80% provision of dwellings with three or more bedrooms⁴. With two out of ten new or extended flats having three bedrooms, only 20% of the development would be family-sized housing⁵. It would not therefore provide the housing mix sought by the development plan. However, Policy 5 goes on to note that “individual site circumstances”, including location and site constraints, may mean that providing a lower amount of family housing is justified.
26. In this case, the appeal scheme would represent the extension of an existing development of two-bedroom flats. Eight of the nine new flats would be at second-floor level, in conversions or extensions of what is currently loft space. Given the specific circumstances of the site, it does not seem to me that a proposal to create new family units at second-floor level would be likely to integrate well with the existing flats, though I might have reached a different view had the existing development already included family-sized dwellings on all levels. In light of the

⁴ As set out in Table 5 of Policy 5 of the HLP

⁵ Both main parties used a figure of 22%, representing two out of nine properties being family housing. Given the circumstances I have described here it is not quite clear why this is so, although the discrepancy does not have a significant bearing on my conclusion.

shortcomings in respect of amenity space and other living conditions I have found, It also does not seem realistic to suggest that there is additional space within the site where further additional family dwellings beyond the one proposed (plus one conversion) might realistically have been accommodated, at least within the scope of a scheme to extend the existing buildings on, rather than to completely redevelop, the site.

27. Notwithstanding the limited proposed provision of family housing, I therefore conclude that the housing mix would be appropriate. The development would therefore comply in this respect with Policy 5 of the HLP, the principal relevant provisions of which I have set out above.

Planning Balance and Conclusion

28. While the proposed development would comply with some of the provisions of the development plan, including in respect of the proposed housing mix and neighbours' living conditions, the significant harm I have found in respect of the character and appearance of the area, and living conditions for future occupiers, means that it would conflict with the development plan taken as a whole.
29. The Council acknowledged in its officer report that it cannot presently demonstrate a five-year supply of deliverable housing sites. Therefore, 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. As such, 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.
30. The proposed development would provide nine new dwellings, plus one enlarged one. There are some shops and services in the locality, though with a PTAL⁶ of 1B the area does not have especially good access to public transport. There would be likely to be some benefits in terms of employment and use of local businesses during the construction phase. Given the small scale of the scheme, these would represent in total a modest social and economic benefit.
31. However, the development would have an adverse effect on the character and appearance of the area. It would conflict with the requirements of the Framework in respect of achieving well-designed places, notably Paragraph 135 which among other things seeks to ensure that developments will function well, add to the overall quality of the area, and are sympathetic to local character. It also would not provide acceptable living conditions for future occupiers in respect of amenity space, outlook, access, and storage of refuse; again, there would be conflict with the aims of Paragraph 135 of the Framework. These are matters which carry significant weight in the overall balance; I am also conscious that problems created today would be likely to endure for many years in the future.
32. Overall, I consider that the harm from the development significantly and demonstrably outweighs 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.

⁶ Public Transport Accessibility Level

33. 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.
34. The appeal scheme 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.
35. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector