



Appeal Decision

Site visit made on 16 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/B5480/W/24/3355037

20 Parsonage Road, Rainham, Havering RM13 9LW

- 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 Ikram Wahid of London & Co UK Ltd against the decision of the Council of the London Borough of Havering.
 - The application ref is P0481.24.
 - The development proposed is erection of new 1 bedroom detached bungalow with 1 car park from West View Close.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one bedroom detached bungalow with one car parking space from West View Close at 20 Parsonage Road, Rainham, Havering RM13 9LW in accordance with the terms of the application, Ref P0481.24, subject to the conditions in the attached schedule.

Preliminary Matter

2. The description of development in the header above is taken from the application form. I have revised the wording slightly in my decision in the interests of clarity. I am satisfied that the main parties have not been prejudiced by this approach.

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 neighbouring properties, with regard to outlook.

Reasons

Character and appearance

4. The appeal site sits within a suburban, residential area comprised of both single storey and two storey dwellings. Long rear gardens are a typical characteristic in the area. Many of the neighbouring rear gardens feature subordinate outbuildings towards their rear boundaries. The appeal site is at the rear end of the garden of 20 Parsonage Road, albeit has already been separated from the rest of the garden by a fence. It sits immediately adjacent to the turning head for West View Close, a cul-de-sac formed of four detached bungalows.
5. The proposed dwelling would occupy a prominent position at the end of the cul-de-sac and I agree with the Council that this would have an impact on the street

scene, when compared to the existing brick wall which defines the end of neighbouring rear gardens. However, as is also acknowledged by the Council, the proposed dwelling has been designed to take cues from the surrounding environment and has a plot size broadly commensurate with the other bungalows within the cul-de-sac. Rather than appearing isolated and incongruous, the dwelling would visually read as part of the cul-de-sac with a similar hipped roof and simple single storey design.

6. Whilst the dwelling would be taller and narrower than the other bungalows within the cul-de-sac, there is no defined uniformity in building footprint or height. The form of the proposal would be similar to its adjacent neighbour, 3 West View Close, which has a staggered front elevation with its main door in the side elevation. This dwelling also has a frontage formed of hardstanding which would be similar to the proposed parking space. The height of the dwelling would be proportionate to a single storey dwelling with a hipped roof design, but in any case, the full height would be broken up by the varying roof heights. The proposal would not represent a stark contrast in the street scene when compared to the established character and appearance of the cul-de-sac, instead it would assimilate well within it.
7. The proposed development would disrupt the long rear garden of 20 Parsonage Road which I acknowledge is a characteristic feature of the area. Nevertheless, the proposal relies on the positioning of the adjacent cul-de-sac and therefore could not readily be repeated elsewhere in the immediate surroundings. As above, the proposal would read as part of the cul-de-sac which would assist in mitigating the deviation from the established character of long rear gardens. The spaciousness experienced within the cul-de-sac would be partially maintained given that the dwelling would not occupy the entire width of the plot. Therefore, the impact to the surrounding pattern of development would not be fundamental, particularly given the number of rear gardens which are already partially disrupted by outbuildings.
8. Policy 10 of the Havering Local Plan (HLP) (2021) acknowledges that the impact on character and appearance will be one of the key considerations for backland developments, with the supporting text specifically directing towards Policies 7 and 26 of the HLP. These relate more generally to design, seeking a high quality of design which, amongst other matters, is informed by, respects, and complements the distinctive qualities and character of the site and the local area. Based on the above, I conclude that the proposal would comply with Policies 10, 7 and 26 of the HLP and would not have a materially harmful impact on the character and appearance of the area.

Living conditions

9. The Council's concerns in respect to living conditions relate to the outlook from the rear gardens of the adjoining sites. The proposed dwelling would primarily have an impact on the very rear elements of the neighbouring gardens which are typically the lesser used areas in comparison to the area immediately to the rear of the dwelling. I noted during my site visit that the adjoining property, 22 Parsonage Road, already has some modestly sized outbuildings in this part of the garden which will further limit its active usage.

10. The dwelling would be set away from the boundaries and due to its roof design, the full height of the dwelling would be even further away from its shared boundaries. Although the dwelling may be visible from the adjoining rear gardens, its visibility alone would not be so alien or obtrusive to cause material harm to the living conditions of adjoining occupiers.
11. Policy 26 of the HLP promotes high quality design in general terms which includes integration with neighbouring development. Policies 7 and 10 of the HLP refer more specifically to the need to safeguard the amenity of existing residents, including in the context of their outlook. The proposal would not have a materially harmful impact on the living conditions of neighbouring properties with regard to outlook, and is therefore compliant with Policies 10, 7 and 26 of the HLP.

Other Matters

12. Interested parties have raised various concerns including in relation to pressure on infrastructure such as drainage, the width of the highway which has implications for emergency access, traffic generation, loss of trees, subsidence, privacy, security and loss of sunlight. These are not matters in dispute between the main parties and I have no substantive evidence before me to reach a different view from the Council with regards to these issues. Furthermore, from my own observations on site, separation distances would be sufficient to ensure no adverse privacy or loss of sunlight impacts would be likely to result.
13. Representations have also been received from neighbouring occupiers stating that they were advised that the cul-de-sac would only be developed for four dwellings and that previous applications have been refused on the site. I have not been provided with evidence of any formal legal restrictions preventing the development of the site, nor the full details of any previous applications on the site. Nevertheless, I have assessed the proposal on its own planning merits in reaching my decision.
14. It is also stated that the noise and disruption associated with the development, and the positioning of the dwelling would have a detrimental impact on health of elderly and disabled residents, including mental health and enjoyment of a private life. I have therefore had due regard to Articles 1 and 8 of the Human Rights Act 1998 and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability and age are relevant protected characteristics to which the PSED applies. These rights are engaged in reaching my decision. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
15. Any associated disruption through the construction process would be limited to a finite period of time. The occupation of a single dwelling is not likely to create long term disruption which would have a detrimental impact on the neighbouring parties health, private and family life. As above, the impacts on neighbouring living conditions are deemed acceptable. It is therefore proportionate in the circumstances to allow the appeal.
16. Concern has been raised that the proposal could be converted to a house in multiple occupation or that the dwelling would be extended in due course. The proposal before me is for a single, one bedroom dwelling and therefore it is on this basis which the scheme must be assessed. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system

does not exist to protect private interests such as value of land or property. I have considered this case on its individual planning merits.

Conditions

17. I have considered the conditions put forward by the Council, having regard to the six tests set out in the National Planning Policy Framework. Where necessary I have amended the wording in the interests of effectiveness and precision.
18. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans. A condition seeking details and samples of the proposed materials is also necessary in the interests of maintaining the character and appearance of the area.
19. A condition requiring details of refuse and recycling facilities is necessary in the interests of visual amenity. It is necessary to secure the parking space proposed as part of the development to prevent the risk of on street parking. In the interests of sustainable travel, a condition requiring details of cycle storage is also reasonable. The Council have suggested an additional condition for a charging point for an electric vehicle, but this is secured through Building Regulations for new dwellings and therefore it is not necessary for me to also impose it on the decision.
20. In order to safeguard the living conditions of neighbouring occupiers, a condition requiring further details of boundary treatments is necessary. I also consider that given the proximity of the site to neighbouring dwellings, a condition limiting the hours of construction on the site would be reasonable and necessary in the interests of protecting neighbouring living conditions. However, I do not consider that the Council's suggested removal of permitted development rights for additional windows is justified for a single storey dwelling.
21. I do however consider it necessary to remove permitted development rights for alterations and extensions to the roof. I have found the proposal acceptable partially based on its ability to assimilate well with the existing development in the cul-de-sac. This represents an exceptional circumstance which justifies any potential further development or alterations to the roof being considered by the Council through a further planning application.
22. The site as existing has some modestly sized tree specimens which would be lost through the development. I therefore consider it reasonable to impose a condition seeking further landscaping details to mitigate for this loss. I note that the appellant has submitted an ecological enhancement and management plan. However, this would not be necessary to make the development acceptable and therefore I do not consider it necessary to condition its delivery.
23. A condition relating to the use of porous materials is necessary to prevent the risk of localised surface water flooding. The Council have suggested conditions relating to parts of building regulations including accessibility and adaptable dwellings and water efficiency. A condition is also suggested relating to the installation of a low emissions boiler. Whilst I have varied the wording of these, their inclusion is still considered reasonable in the interests of maintaining acceptable housing standards and to comply with Policies D7 and SI 5 of the London Plan, and Policy 7 of the HLP.

24. Whilst not included within the Council's list of conditions, I note that the Council's Environmental Health Officer has suggested a condition in respect to contaminated land, given that the site is within the 250m buffer zone of a former landfill site. Having reviewed the suggested wording of the condition, it would be overly onerous for a proposal for a single dwelling on garden land. Nevertheless, in acknowledgement of the proximity to the former landfill, I do consider it necessary to impose a condition setting out a procedure to follow if contamination is identified during construction.
25. In respect to biodiversity net gain (BNG), it is not certain from the evidence whether or not the proposal would qualify for an exemption. The mandatory BNG requirement¹ would therefore apply. Based on the submitted evidence, and the scale of the increase in biodiversity, I am satisfied that the required BNG could be met and so in allowing the appeal, the proposal is subject to the statutory pre-commencement biodiversity gain condition.

Conclusion

26. For the reasons set out above, and having regard to all other matters raised, the proposal is considered to accord with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

L Gardner

INSPECTOR

¹Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the Site Location Plan (unreferenced) and drawing nos: "Proposed Plans and Elevations" – 2024-1 and "Site Location" – 2024-89.
- 3) No development above ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details shown on the submitted drawings, the dwelling hereby approved shall not be first occupied until refuse and recycling facilities are provided in accordance with details first submitted to and approved in writing by the local planning authority. The refuse and recycling facilities shall thereafter be retained in perpetuity.
- 5) Before the dwelling hereby permitted is first occupied, provision for one off-street car parking space shall be laid out and surfaced in accordance with details first submitted to and approved in writing by the local planning authority. The space shall thereafter be retained in perpetuity.
- 6) Notwithstanding the details shown on the submitted drawings the dwelling hereby approved shall not be first occupied until cycle storage is provided in accordance with details first submitted to and approved in writing by the local planning authority. The cycle storage shall thereafter be retained in perpetuity.
- 7) Prior to first occupation of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the local planning authority. The development shall then be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby approved.
- 8) Prior to first occupation of the development hereby approved, a full specification of all proposed tree planting shall be submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.
- 9) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between the hours of 8.00am to 6.00pm Monday to Friday, and between 8.00am to 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

- 10) The dwelling hereby approved shall not be first occupied until Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings has been complied with.
- 11) The dwelling hereby approved shall not be first occupied until Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency has been complied with.
- 12) All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.
- 13) The dwelling hereby approved shall not be first occupied until it has been fitted with Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boiler shall be carried out in strict accordance with these details and shall thereafter be retained in perpetuity.
- 14) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification), no development permitted by virtue of Classes AA, B or C of Part 1 of Schedule 2 to the Order shall be undertaken.

END OF SCHEDULED CONDITIONS