



Appeal Decision

Site visit made on 7 May 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th of June 2025

Appeal Ref: APP/B5480/W/24/3356621

21 Priory Road, Romford, Havering RM3 9AP

- 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 Mrs Kimberley against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0945.24.
 - The development proposed is the subdivision of the plot to facilitate the erection of a single storey, three-bed, detached dwelling with associated car parking and amenity space and the creation of a new vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council amended the description of development with the appellants agreement during the determination of the planning application. The appellant has used this amended description on their appeal form and therefore I have used this description in the banner heading above.
3. For the avoidance of doubt, the description of development and proposed plans show a 3-bedroom dwelling. I have therefore proceeded to determine the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development upon the character and appearance of the surrounding area, including trees;
 - whether the proposed development would provide acceptable living conditions for future occupants with particular regard to outlook; and
 - the effect of the proposed development on the living conditions of the occupants of 21 and 23 Priory Road, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site relates to the rear garden of 21 Priory Road (No 21), which is a two-storey detached dwelling on the corner of Priory Road. The dwelling fronts Priory Road to the north and is set back from both highway boundaries. Land levels decrease within the site and the wider area from east to west. The eastern side

boundary of the site is enclosed by a timber fence, beyond which are street trees. The site is in a predominately residential area that is generally characterised by well-spaced semi-detached two-storey dwellings. However, these are interspersed with some two-storey detached dwellings, typically on corner plots.

6. The pattern of development is relatively uniform, with properties laid out in planned manner around areas of open space and set back behind grass verges and street-trees. This and the relationship of built form to open spaces in the street scene gives the area an attractive, spacious and verdant appearance that characterises the area. Whilst I observed examples of more modern development in the vicinity of the appeal site, including on the neighbouring site to the south, the area has nevertheless retained its general pattern of development and distinctive spaciousness. The appeal site contributes to this sense of spaciousness as the properties on this side of Priory Road are well separated from those on Priory Path (to the south) by long rear gardens.
7. The appeal scheme proposes a single storey detached dwelling that would face Priory Road to the east. Access would be provided by a dropped vehicular crossover in-between the existing lamppost and a large, established, red-leafed tree. The dwelling would be set back within its plot to respond to the building line on this side of Priory Road. However, as a consequence, the dwelling would be positioned uncharacteristically close to its rear boundary. The property would also have a large footprint and occupy a significant portion of the plot, with a garden area that would be significantly smaller than surrounding properties. Both the single storey form of the development, coupled with its cramped relationship to its boundaries and small plot size would directly contrast with surrounding development. This would therefore result in an alien form of development that would appear as an obvious anomaly in the street scene and would fail to relate well to its surroundings.
8. Notwithstanding its single storey height, the dwelling would also infill the gap between the host dwelling and No 19 to the south, filling a significant portion of No 21's rear garden. The development would therefore be out of character with the more spacious nature of corner plots in the vicinity of the appeal site and would interrupt the established pattern of development. Consequently, the development would erode the open and spacious character of the surrounding area and would be an incongruous development within the street scene. The fact that the land level decreases within the site does not alter my findings in this respect as the dwelling would still be visible down the proposed access and would have a spatial effect on the pattern of development. Nor does the fact that the development would make an effective use of land for housing within an existing residential area, given the National Planning Policy Framework (the Framework) does not provide unequivocal support for such development at the expense of the character and appearance of the area.
9. Whilst I note that the National Design Guide (the NDG) supports the introduction of built form that adds new character and difference to places, the development would not be sympathetic to the local character and would undermine what makes the area distinctive which is contrary to the aims of the NDG. Furthermore, whilst there are examples of other single storey outbuildings in the area, these are incidental garden buildings of a different scale and character to the proposed dwelling and therefore are not directly comparable to the effect this development would have in terms of its contrast with the nature and character of surrounding dwellings.

10. Whilst I have had regard to the examples of smaller rear gardens cited by the appellant, the appeal scheme would have a more constrained plot size and the new dwelling would be closer to its rear boundary, resulting in a more cramped arrangement. Moreover, the appeal site is in a more prominent location than No's 88 and 88A Priory Road which are at the end of a cul-de-sac. In contrast, the appeal site is prominent when travelling along the street and properties to the east beyond the area of green space, which are sat on higher ground, would have clear views of the proposed dwelling. I therefore do not consider the appeal scheme to be directly comparable to the examples cited.
11. I also note that outbuildings are under construction to the rear of No 19 to the south. However, given these have been set into the ground, they have a comparatively low ridge height to No 19 and the appeal scheme and are not highly visible in the street scene. The outbuildings are also positioned so they are more closely associated with the host dwelling they serve, appear to be smaller in footprint than the proposed dwelling and are also not subdivided from the host dwelling or accessed via a separate access to it. Thus, I do not consider them to be directly comparable with the appeal scheme.
12. My attention has been drawn to the planning history of the site, including a Lawful Development Certificate (LPA Ref. D0053.21, granted 29th March 2021) for a residential outbuilding (the LDC). I have been provided with a copy of the Council's Decision Notice and the plans against which it was determined. The evidence indicates that the ridge height of the proposed dwelling would be higher than the LDC scheme and it would have a greater footprint. The development would also be an independent dwelling, rather than an incidental domestic outbuilding. It would have a separate curtilage, access and parking area and would intensify the use of the site. The creation of a separate access would also facilitate clear views of the dwelling as a separate development from No 21, and thus, it would have a greater prominence in the street scene. Consequently, whilst there may be a real prospect of the appellant implementing the LDC scheme, I do not consider this fall-back position to be directly comparable to the appeal proposal, which would result in greater harm on the character and appearance of the area.
13. The proposal also includes the creation of an access between the existing lamppost and a large, established, red-leaved tree. The evidence indicates that vehicle crossover would be 5.4m wide and the Council states that a minimum distance of 2m must be maintained from each side of the tree in their Highways crossover policy. I have not been supplied with a copy of any such policy or guidance. Nevertheless, I note that the tree is well-established and has a high amenity value, contributing positively to the character and appearance of the area. The tree is located within a highway verge adjacent to the highway and a pavement and thus its rooting environment is likely to be quite constrained. Furthermore, given the proximity of the tree to the proposed access and its crown spread, it is likely that the tree would require regular maintenance to ensure access was not impeded to the new dwelling.
14. The appellant proposes that the access could be treated with a 'RootBridge' system over the root protection area of the tree and that the impacts of the vehicle crossover could be mitigated by imposing conditions requiring the detailed design of the access to be approved by the Council prior to installation, in accordance with a tree protection plan and arboricultural method statement. However, I have insufficient evidence before me to be able to determine whether the 'RootBridge' system, or an alternative construction approach for the access, could be implemented without resulting in harm

to the long-term health of the tree and its rooting environment. Nor is it clear whether the existing pavement would require replacement and to what depth.

15. The consequence of the loss or decline of this tree would reduce the verdant qualities of the street scene, resulting in harm to the character and appearance of the area. Furthermore, I also have insufficient evidence to demonstrate that the proposed construction technique for the access would have an appropriate appearance that would not result in further harm to the character or appearance of the street scene.
16. The evidence includes a quotation from the Public Realm department of the Council dated 15th February 2022 (ref. ENQ-1004333-MJ) for the construction of a 4.5m wide vehicle crossing. However, I do not have the full details of this proposal before me, including any detailed plans or confirmation of whether or not the development would have required planning permission. Nevertheless, I note that the width of the crossover proposed in the appeal scheme is wider and the appellant advises that the highway approval has expired in any event. Based on the evidence I cannot be certain that this is a comparable fall-back position and therefore can give this no more than limited weight. Irrespective of this, having assessed the appeal on its own merits, there is insufficient information to determine that the proposed vehicle crossover can be implemented without causing harm to the adjacent tree.
17. For the above reasons, the development would result in harm to the character and appearance of the surrounding area and the appellant has failed to demonstrate that the development would not result in harm to the adjacent street tree. The development is therefore contrary to policies 7, 10 and 26 of the Havering Local Plan 2016-2031 (the HLP) which together, amongst other things, require development proposals to respect, reinforce and complement the local street scene and encourages high-quality design. The development is also contrary to policies 27 and 30 of the HLP, which in addition to other matters, require development to demonstrate how existing landscape features will be protected and support the protection of the natural environment.

Living conditions of future occupants

18. The limited size of the plot including its constrained garden area means that main habitable room windows serving bedrooms 2 and 3 would be approximately 2.5m away from the retained hedgerow. The hedgerow is approximately 2m high and this, coupled with the limited separation from the dwelling, would result in a very poor outlook for these rooms. This would result in an oppressive relationship and future occupants would feel a significant sense of enclosure to the detriment of the use of these habitable rooms, resulting in substandard internal living conditions. That the development is a self-build plot, and future occupants would be aware of this arrangement prior to occupying the dwelling does not make the scheme acceptable.
19. The proposed development may be acceptable in relation to internal area requirements and provide for adequate provision of outdoor space, but this would not alter my findings in relation to outlook for future occupants as this would still be substandard. I appreciate that outlook can vary in urban environments and note reference to an example of a development in the London Borough of Southwark (LPA ref. 21/AP/2968). However, as accepted by the appellant, this development is in a different Borough to the appeal site. I am not aware of the specific circumstances of this case, including the site context and therefore cannot draw any meaningful comparisons with the appeal scheme. Nevertheless, in considering this scheme

based on its own merits, I find that the constrained outlook from habitable rooms would be such that it would adversely impact the living conditions of future occupiers.

20. I therefore consider that the proposal would fail to provide acceptable living conditions for future occupants of the proposed dwelling with regard to outlook. This is contrary to policies 7 and 10 of the HLP and Policy D6 of the London Plan (2021), which together, amongst other matters, require that the amenity and quality of life of future occupiers is not adversely impacted.
21. Whilst the Council's decision notice refers to Policy D5 of the London Plan, I find no particular conflict with this policy as it relates to inclusive and accessible design.

Living conditions of 21 and 23 Priory Road

22. The Council considers the development would have an intrusive and overbearing impact on the rear garden environments of Nos 21 and 23 due to the bulk, scale and massing of the dwelling and its proximity to the shared boundaries.
23. The dwelling would be positioned between approximately 13 to 18m from the rear elevations of No 21, between which is the properties existing single storey garage. The introduction of a dwelling on this land would result in a visual change from the garden of No 21. However, whilst large in footprint and close to the common boundary, the proposed dwelling would be single storey in height and the design of the roof has a shallow pitch which would reduce the massing of the roof when viewed from this aspect. In addition, the dwelling would be sufficiently separated from No 21 so as not to affect the enjoyment of the most sensitive part of this property's rear garden area, which would be the area closest to the dwelling, or be visually intrusive from the dwelling itself.
24. The evidence indicates that the new dwelling would be approximately 18m from No 23 which lies to the north-west where the land level decreases. The common boundary is enclosed by an approximately 2m hedgerow which provides screening between both sites. The proposed development would sit adjacent to the rear portion of No 23's garden and the roof would pitch away from the common boundary, from which the dwelling would be offset around 2m. As such, the bulk and massing of the dwelling would be well separated from the most sensitive portion of this neighbouring dwellings garden area. Therefore, whilst parts of the proposed development would likely be visible and views from the garden of No 23 may differ, owing to the proposed interrelationship, the development would not have an overbearing impact and the outlook for the occupants of No 23 would be maintained.
25. I note comments from interested parties raise concerns in relation to the potential for the development to have an overshadowing effect on No 23. However, for the same reasons given above, in addition to the fact that the development would be located to the east of the bottom of this neighbouring garden, I do not consider there would be any unacceptable overshadowing effect either. Nor do I consider there would be the potential for overlooking effects given the intervening boundary treatment which would screen the outlook from windows and the orientation of the proposed garden area for the new dwelling away from No 23.
26. For the above reasons, I consider the proposed development would not harm the living conditions of the occupants of 21 and 23 Priory Road, with particular regard to outlook. In this respect, there would therefore be no conflict with policies 7 or 10 of the HLP, which together, amongst other matters, require that the amenity and quality of

life of existing occupiers is not adversely impacted. The proposal would also comply with paragraph 135f of the Framework where it seeks a high standard of amenity for existing and future users.

27. Whilst the Council's decision notice refers to Policy 26 of the HLP, I find no particular conflict with this policy in respect of this main issue as it does not relate to living conditions.

Other Matters

28. I note representations have raised a number of other concerns, including in relation to the effects on parking congestion, disturbance during construction, discrepancies in the planning statement and effects on living conditions in addition to other matters. However, given I am dismissing the appeal for other substantive reasons and compliance with any relevant policies in these regards would be largely neutral matters, it is not necessary for me to consider these matters in detail.
29. The dwelling could incorporate renewable energy technologies, and the appellant asserts that it would be constructed with low-maintenance and durable materials. However, there is little in the evidence to suggest the development would be particularly innovative, or that it would go beyond the requirements of the development plan.
30. I also note reference to the existing property currently having a large garden to maintain and the development providing for intergenerational living. However, the ability for the appellant to share construction and maintenance costs and continue living on the site with their family would be private benefits. The harm I have identified would continue to exist long after these personal circumstances would cease to be relevant and as such, this does not outweigh the harm identified.

Planning Balance

31. The proposal would result in harm to the character and appearance of the surrounding area and would fail to provide acceptable living conditions for future occupants of the proposed dwelling with regard to outlook, contrary to the aforementioned policies of the HLP and London Plan. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
32. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence indicates that the current supply is 3.4 years, which is a significant shortfall. In this circumstance, paragraph 11(d) of the Framework is therefore engaged. The evidence does not indicate that paragraph 11(d)(i) applies to the proposal. Therefore, I shall consider the proposal against the test in paragraph 11(d)(ii).
33. The development would result in harm to the character and appearance of the surrounding area and would not provide acceptable living conditions for future occupants, to which I attach significant weight.
34. The development would provide a self-build dwelling in an established residential area, reasonably close to services and facilities and would make efficient use of underutilised land without prejudicing neighbouring sites. As a smaller site, the development could be built out quickly. The development would therefore make a

small but beneficial contribution to the choice of homes in the area and the supply of housing land; as well as providing social and economic benefits during construction and after occupation. Housing delivery is supported by the Framework and, therefore, this benefit weighs in favour of the proposal. However, the contribution that would be made by a single dwelling would be modest and, therefore, the weight attached to these benefits is moderate.

35. The Council has not identified any harm in respect of the suitability of the location for housing from a settlement hierarchy perspective or in relation to other planning matters. However, the absence of harm in these respects weighs neither for, nor against, the proposal.
36. Overall, in the specific circumstances of this case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework, when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

37. The proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

H Whitfield

INSPECTOR