
Appeal Decision

Site visit made on 17 June 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/B5480/W/25/3361205

1 The Crescent, Upminster, Havering RM14 1JY

- 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 Amato (Westway Homes Ltd) against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1641.24.
 - The development proposed is demolition of the existing garage and construction of 1 No. x 3 bedroom detached & 1 No. x 2 bedroom semi-detached dwellings with off-street parking, private amenity space and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted demolition of the existing garage and construction of 1 No. x 3 bedroom detached & 1 No. x 2 bedroom semi-detached dwellings with off-street parking, private amenity space and cycle stores at 1 The Crescent, Upminster, Havering RM14 1JY in accordance with the terms of the application, Ref P1641.24, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area including whether the proposal would represent a form of piecemeal development that does not take into account a wider site.

Reasons

3. The appeal site is set within a suburban area formed of a mix of detached and semi-detached houses and bungalows. This having been said, there are examples of flatted accommodation in the wider area. Homes all typically address the street and benefit from well proportioned front and rear gardens. There are limited, or indeed no, examples of this form of backland development in the immediate vicinity of the site.
4. The proposal would introduce three bungalows and these would fill much of the width of the site. They would not benefit from a street elevation, being accessed along a private drive to the side of 1 The Crescent. In this regard they would therefore not harmonise with the pattern of development in the area. The introduction of these homes would have a modest adverse effect on the character and appearance of the area. This is due to their backland position and slightly cramped arrangement.

5. The homes would be set adjacent to the comparatively long gardens to the neighbouring homes at 3 and 3a The Crescent. I can see the rationale in taking the gardens of these three homes overall (at numbers 1, 3 and 3a) and creating a wider site that could be developed in a more comprehensive manner. This would potentially allow for a more coherent development of the site that would create a new character.
6. However, the layout, as proposed does not appear to completely preclude the future development of the gardens to 3 and 3a were they to come forward. Moreover, I have no indication that there is any intent for them to be made available.
7. The Council accepts it cannot demonstrate a five year supply of deliverable housing land and there is evidence to indicate that this is a persisting situation. Moreover, the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The provisions of paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) are therefore engaged.
8. In this instance, I have identified modest harm to the character and appearance of the area. Moreover, I accept that the development of the wider site would be preferable, albeit not entirely precluded by this proposal. The Framework requires that where the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
9. The site is in an established built-up area, makes effective use of the land which is available now, does not necessarily preclude further development and is in a sustainable location with air-source heat pump heating and other sustainable construction features. Given that the harm to the character and appearance of the area is not substantial I find that the provisions of paragraph 11 d) ii. of the Framework indicate that, on balance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. As such, I conclude that the proposal complies with the provisions of the development plan and the Framework, taken as a whole.

Other Matters

10. In reaching my conclusions I have been mindful of the comments of neighbours, particularly those that would have direct aspect over the site. In this regard, I have found that the homes are single storey and well separated from neighbours such that they would not appear overbearing. I accept that this would change the outlook from these homes, but not to a harmful extent. Equally, their low height means that adequate light would still reach neighbouring homes.
11. No doubt the construction phase of the development would be disruptive, but this would be a temporary situation and a condition can restrict the hours of construction such that this is not undertaken at anti-social times. Upon completion, I have no evidence to indicate that the occupation of the homes would create any

greater degree of noise or activity than that which could be expected of a typical suburban area.

Conditions

12. The Council has provided a schedule of conditions in the event that the appeal were to be allowed. I have imposed these conditions in substantive form (except where otherwise noted) with modifications and edits to ensure compliance with the Planning Practice Guidance (PPG). Certain conditions do require the submission of additional details to the Council however as these are not pre-commencement conditions under s100ZA of the Act, the appellant has not been consulted on them any further.
13. I have imposed a general time limit condition to accord with the provisions of the Act. A plans condition is imposed for certainty.
14. Condition 3 requires the submission of the external materials of the building in the interests of the character and appearance of the area. I have further required the provision of surfacing materials for the access road and driveways as these will be visible in the public realm.
15. Condition 4 relates to vehicle parking to ensure sufficient space is available clear of the highway. This is in the interests of the safety and convenience of users of the highway.
16. Condition 5 is imposed to restrict the installation of additional flank windows which could overlook neighbouring properties in the interests of living conditions for all parties.
17. Conditions 6 and 7 relate to construction management and hours of construction in the interests of the living conditions of neighbours, good site management and highway safety.
18. Condition 8 is to ensure that the development is accessible whilst condition 9 is imposed to minimise water usage. To minimise water run-off from the hard surface, I have imposed condition 10.
19. I have imposed conditions 11 and 12 to minimise emissions from the development, and for the latter, to additionally promote sustainable methods of transportation.
20. Condition 13 requires a scheme of landscaping to integrate the development with the area.
21. Conditions 14 and 15 require cycle and refuse storage details to be provided so as to promote sustainable transport and to ensure that waste disposal is managed from the site.
22. Details of boundary screening are required by condition 16 to ensure the gardens and windows are appropriately screened in the interests of privacy and living conditions for the future occupants and neighbours.
23. Conditions 17 and 18 are imposed here in order to promote local ecology and biodiversity.
24. I have not imposed the recommended condition relating to the air source heat pumps as this permission expressly authorises these and further details are thus

not necessary. I have also not restricted permitted development rights as such works are mandated by Government Order and should not be taken away unless there are particularly pertinent reasons for doing so. In this instance, I have not been provided with sufficient evidence to indicate that this is warranted.

Conclusion

25. The proposed development would cause tension with the development plan insofar as there is some modest harm to the character and appearance of the area. However, being mindful of the local housing supply position, the material considerations indicate that a decision should be made in accordance with the provisions of 11 d) ii. of the Framework. Therefore, for the reasons given above the appeal should be allowed.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be commenced not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with plan nos. 2016/01, 2016/02, 2016/03, 2016/04.
- 3) No above ground works shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the buildings and surfacing materials for the access road and driveways have been submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
- 4) Before the dwellings hereby permitted are first occupied, provision for six off-street car parking spaces (four for new dwellings, two for existing) shall be laid out and surfaced and retained permanently thereafter and shall not be used for any other purpose.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plans) shall be formed in the flank walls of the dwellings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 6) All building operations in connection with the development shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
- 7) No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the Local Planning Authority.

The Construction Method statement shall include details of:

- a) The site access point of all vehicles to the site during the construction phase
- b) parking of vehicles of site personnel and visitors;
- c) storage of plant and materials;
- d) Wheel washing facilities.
- e) Measures to monitor and control the emission of dust and dirt during construction.
- f) measures for minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the Local Planning Authority;
- h) a scheme for monitoring noise and, if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- i) siting and design of temporary buildings if required;

- j) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- k) details of disposal of waste arising from the construction programme, including final disposal points.

The burning of waste on the site at any time is specifically prohibited. And the development shall be carried out in accordance with the approved scheme and statement.

- 8) The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
- 9) The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 10) 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.
- 11) Where boilers are to be fitted these shall be Ultra-Low NO_x boilers with maximum NO_x 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 NO_x abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boilers shall be carried out in strict accordance with these details and shall thereafter be permanently retained.
- 12) All residential parking spaces within the development hereby approved shall include provision of infrastructure for electric or Ultra-Low Emission vehicles, of which a minimum of 1 space per dwelling shall have active charging facilities, with passive provision for all remaining spaces. Such provision is to be made prior to the first occupation of the dwellings hereby permitted.
- 13) Prior to any above ground works the applicant shall submit for the approval of the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.
- 14) Notwithstanding the details shown on submitted drawings no building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

- 15) Notwithstanding the details shown on submitted drawings no building shall be occupied or use commenced until cycle storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.
- 16) 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 boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.
- 17) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 18) A Biodiversity Enhancement Strategy for protected, Priority and threatened species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, November 2024).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”

End of Schedule