



Appeal Decision

Site visit made on 26 June 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/B5480/W/25/3362807

45 Squirrels Heath Lane, Romford RM2 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bluecroft Gidea Ltd against the decision of the Council of The London Borough of Havering.
 - The application Ref. is P1546.24.
 - The development proposed is for the demolition of the existing garages and construction of five homes (Use Class C3); with associated amenity spaces, landscaping, parking, refuse and recycling storage facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the the effect of the proposal on:
 - the character and appearance of the local area;
 - the living conditions of future occupiers of the houses in respect of noise, and the future residents of plot 5 in relation to outlook and external amenity space; and
 - the living conditions of the occupants of properties on Durham Avenue with regard to privacy.

Reasons

Character and appearance

3. The appeal site relates to a triangular plot of land containing three low-level, flat-roof buildings. The remainder of the plot comprises hardstanding and parking areas. It is set in an urban environment of mainly residential units, although there is a public house called The New Inn immediately adjacent to the south-east.
4. The National Planning Policy Framework (the Framework) states at paragraph 135 that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In this respect, I acknowledge that the majority of the site lies in a backland position that requires a sensitive approach. Nonetheless, to my mind the proposed buildings would neither be awkward, discordant or contrived in their scale and design, nor would they represent an over-development of the site.

5. More specifically, the Council considers that the proposals would not respect the existing grain of the area and that plots 1 and 5 would result in a cramped arrangement. However, I observed that there is no uniform pattern of built form in the vicinity. Moreover, there is no prevailing architectural style to properties in the immediate street scene, which is characterised by structures of differing age, size, design, detailing and external materials, including the tall block of flats at Elizabeth House that dominates the immediate skyline. Whilst plots 1, 4 and 5 would have a close relationship with the site boundaries, this is a high-density, metropolitan area and there are numerous other examples in the neighbourhood where buildings are constructed on, or very near to, the perimeters of sites.
6. Plot 5 may be in a corner and disparate from the main terrace at units 1-4, nevertheless I am mindful that it would only be experienced by a limited number of receptors and the visual effects of the dwelling would be minor given the presence of other development and the set back from the public domain. With respect to the undercroft parking, I am satisfied that the trellised enclosures could be installed with creeping or climbing plants to add interest and soften the impact of parked vehicles, so as to be a benefit to the scheme.
7. Taken in the round, I consider that the proposals would visually connect with the general appearance of the locality, without being intrusive or resulting in an over-elaborate design solution. The extent and height of the units would be generally more modest than the nearby dwellings fronting Squirrels Heath Lane and Alpen Close, thus retaining a sense of subservience in accordance with the Havering Character Study 2024.
8. I therefore conclude that the scheme would not result in detriment to the character and appearance of the local area. It would comply with Policies 7, 10 and 26 of the Havering Local Plan 2021 (LP), which expect new development to be of a high-quality design that reflects and respects the existing setting and local context. It would also be consistent with the advice in the Framework, which states that good design is a key aspect of sustainable development.

Living conditions – future occupiers

9. The appellant has provided an Acoustic Technical Note (ATN) to address the Council's concerns in respect of the proximity of the appeal scheme to the adjoining amenity area at the rear of The New Inn public house. The ATN demonstrates that decibel levels experienced by residents of the appeal scheme would not materially exceed those that currently occur to occupants of Alpen Close.
10. Furthermore, I am informed that the new houses would incorporate mechanical ventilation and comfort cooling, and therefore windows can remain closed when the pub is operating at peak noise level without adversely affecting the internal living environment. Drawing these elements together, I am satisfied that this matter would be overcome subject to the imposition of appropriate conditions, and there would be compliance with Policy D13 of the London Plan (LonP) and the Framework insofar as they relate to mitigating noise impacts.
11. Plot 5 would be the biggest unit within the new development, being annotated on the plans as 3-bedroom, 5-person accommodation. It would include two separate amenity areas in the form of a courtyard and side garden.

12. Whilst I am satisfied with the design intent of the courtyard, such an area alone would not be sufficient for this larger property due to its limited size. To my mind the side garden would therefore also need to provide an accessible and serviceable external space for future residents.
13. In this case the side garden would have a limited separation between the new dwelling and the boundaries of the site; it is the hallmark of being an afterthought rather than carefully designed and well-integrated amenity area. The need to provide boundary treatments for privacy would mean the ground floor bedroom, living room and strips of lawn would experience an adverse sense of enclosure. Moreover, the external space would be segmented by the entrance path from the car park to the front door, thus further restricting its layout and overall useability. Overall, such matters would result in an oppressive environment and outlook for future occupants and have a significantly limiting effect on the function of the garden for family occupation.
14. Accordingly, although there would be no adverse effect upon the living conditions of future occupants of the houses in respect of noise, I conclude that the proposal would result in harm to the living conditions of future residents of plot 5 in relation to outlook and external amenity space. The scheme would contravene Policy 7 of the LP and Policy D6 of the London Plan, which require new development to protect residential amenity. The proposal is also inconsistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Living conditions – Durham Avenue

15. My attention is drawn to a terrace of bungalows fronting Durham Avenue, which lie to the north of the appeal site. I am told that the wall-to-wall separation distance between these existing dwellings and the new houses would be between 18-20 metres. Although the Council does not have any specific minimum requirements in this regard, the appellant avers that such a distance would accord with the LonP Housing Supplementary Planning Guidance. As set out previously, I am satisfied that there would be no adverse impacts upon the scale and grain of the area, which the Council associates with the acceptability of separation between built form. Furthermore, I am aware that intervening planting could be incorporated into the rear gardens of plots 1-4 to further soften and screen any inter-visibility between current and proposed residences.
16. Taken together, I find that there would be no injurious effects upon the living conditions of the occupants of properties on Durham Avenue with regard to privacy as a result. The scheme would accord with Policies 7, 26 and 34 of the LP, which require new development to protect residential amenity. The proposal is also consistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Other Matters

17. I appreciate that the existing site could be deemed of poor quality, having a negative impact on the townscape. The new homes would be accessible and include a range of measures to reduce carbon dioxide emissions and increase biodiversity. There would be provision for cycle storage to encourage sustainable travel and Gidea Park train station is nearby. However, these issues do not counterbalance the harm I have identified above.

Planning balance

18. The Framework does not change the statutory status of the development plan as the starting point for decision making. Based upon my previous findings, the appeal is not in accordance with the policies of the development plan due to the harm I have identified in terms of the living conditions of future occupiers of plot 5. The absence of harm relating to other matters, for example in terms of character and appearance, noise and so on, are a neutral factor.
19. It is not a matter of dispute that there is a shortfall relative to the Council's ability to demonstrate a deliverable five year supply of housing. Consequently, the housing policies which are most important for determining the application are out of date and paragraph 11(d) of the Framework should be applied.
20. The development would make a positive contribution to housing supply in an accessible location with associated social and economic benefits, including to the local economy during construction and to local services and facilities upon occupation. However, to my mind, when assessed against the policies of the Framework as a whole, the adverse impacts of granting planning permission in this case in terms of the harm to the living conditions of future occupants of plot 5 would significantly and demonstrably outweigh the benefits of the proposal. Therefore the presumption in favour of sustainable development does not apply in the particular circumstances of this case.
21. The conflict with the development plan and the Framework when taken as a whole and the associated harm to the character and appearance of the area are significant and overriding factors. Consequently, the material considerations in this case, including the contribution to housing supply and associated benefits previously identified, do not indicate that the application should be determined otherwise than in accordance with the development plan.

Conclusion

22. Although the new dwellings would not have an undue effect upon the character and appearance of the local area, the living conditions of future occupants in respect of noise and the living conditions of the occupants of properties on Durham Avenue with regard to privacy, it would be detrimental to the living conditions of future occupants of plot 5 in relation to outlook and external amenity space. Having regard to the above reasoning and all other issues, I dismiss the appeal.

C Hall

INSPECTOR