
Appeal Decision

Site visit made on 3 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/B5480/W/25/3361159

119 Collier Row Lane, Romford, Havering RM5 3HL

- 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 Rishad Awal against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1263.24.
 - The development proposed is rear dormer loft conversion, internal remodelling, adding a door opening to external wall. Change of use converting house into two flats. One flat being the ground floor access via side wall. Flat 2 being first and second floor, access via front of house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Several sets of drawings have been submitted by the appellant. One of these pre-dates the other sets of drawings and does not include the proposed rear dormer. I shall therefore assess this appeal on the basis of the drawings that the Council made the decision on. These are drawing nos. BREG-001 (Location Plan), BREG-003a (Block Plan), BREG-008 (Proposed Floor Plans), BREG-009 (Proposed Floor Plans), and BREG-010 (Proposed Elevations).

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the supply of family housing; and
 - whether the proposal would provide suitable living conditions for future occupiers, with particular regard to outlook and outdoor amenity space.

Reasons

Character and appearance

4. The appeal property is a two-storey dwelling at the end of a small terrace. There is a mix of two-storey dwellings and bungalows in the vicinity, a few of which have rear dormers. Most of these dormers are modest in size or are set in from the sides, ridge or eaves so that they do not dominate their respective roof slopes.
5. There is a discrepancy on the submitted drawings, with the proposed rear elevation showing the dormer would not be set back from the eaves whilst the

proposed side elevations (one of which is also labelled 'rear elevation'), loft plan and roof plan all show that the dormer would be slightly set above the eaves level. Even if the dormer was to be set above the eaves level, there would only be a small separation between the dormer and the eaves and sides of the roof, and the dormer would be built up to the ridge height.

6. The dormer would be visually prominent as it would be visible from public vantage points in Mawney Street, particularly the gap between 521 Mawney Street and 115 Collier Row Lane close to the appeal site. This would be in addition to the private views of the dormer from the surrounding properties that back on to each other.
7. Consequently, due to its substantial scale and form, the rear dormer would dominate the rear roof slope of the appeal property and would not be in keeping with the more modestly sized dormers which characterise the area. The dormer would therefore be an obtrusive addition which would fail to integrate with the existing built form of the area. This would be exacerbated by its visibility and prominence.
8. The appellant states that they are willing to reduce the scale of the dormer. However, the appeal process should not be used to evolve a scheme. In any event, no amended drawings have been provided with a smaller dormer.
9. For these reasons, I conclude that the proposed dormer would cause harm to the character and appearance of the area.
10. The proposal would therefore conflict with Policies 7 and 26 of the Havering Local Plan 2016-2031 (2021) (HLP), insofar as they require developments to be of a high-quality design which respects and complements the character of the area.
11. The Council also cites a conflict with HLP Policy 10. However, this policy has regard to residential development on garden and backland sites and does not refer to either design or character and appearance. As such there would not be a conflict with HLP Policy 10.

Family housing

12. HLP Policy 9 concerns residential conversions and subdivisions and the supporting text sets out that there is an identified need for family homes of three bedrooms or more. The policy requires, amongst other things, for the existing house being subdivided to have no less than 120 square metres of original floor space and that the subdivision would provide a minimum of one family unit of three or more bedrooms.
13. The appellant accepts that the current floor space of the dwelling is approximately 100 square metres. Whilst the proposed rear dormer would create additional floor space, the dormer had not been constructed at the time of my site visit. Therefore, I do not consider the proposed dormer to comprise a part of the original dwelling. As such, the existing dwelling would not meet the minimum floor space requirement for subdivision, as specified by Policy 9.
14. The proposal would subdivide the existing three-bedroomed property into two flats. Neither of the flats would provide a family unit of three or more bedrooms. Consequently, the proposal would result in the loss of family housing.

15. The proposal would have an adverse impact on the supply of family housing, for which there is an identified need. The proposal would therefore conflict with HLP Policy 9.

Living conditions

16. The submitted drawings show that the existing rear garden area would be subdivided, with a garden area for the ground floor flat (Flat 1) situated at the rear of the plot. The garden area for the first and second floor flat (Flat 2) would be situated in very close proximity to the rear elevation of the building and would be enclosed by a fence. Although the exact height of the fence is unknown, the appellant describes the fence as being of an appropriate height to maintain privacy, which suggests that the fence would be of a significant height.
17. Whilst roof lights would provide natural light, outlook from Flat 1's combined kitchen/dining/lounge room would be via the glazed double doors. Given the limited separation distance the fence would significantly restrict outlook from the kitchen/dining/lounge doors of Flat 1 and have a harmful overbearing effect for the users of the kitchen/dining/lounge space.
18. In their appeal statement, the appellant states that this layout is erroneous and that the garden area nearest to the house would serve the Flat 1 whilst the garden area at the rear of the plot would serve the Flat 2. The appellant also states that adjustments could be made to the internal layout and the positioning of boundary treatments. However, no amended drawings have been provided in these regards and, moreover, the appeal process should not be used to evolve a scheme. I have therefore made my assessment based on the submitted drawings.
19. The occupiers of Flat 1 would be able to access the rear of the property through the kitchen door. However, the submitted drawings do not show how the occupiers of Flat 2 would directly access the rear of the property, with the only entrance to the flat being at the front of the property. Occupiers would therefore have to traverse from the front and around the side of the property to access their garden area. Whilst the Block Plan shows the existing side projection goes up to the boundary, during my site visit I observed that there was a narrow gap between the side projection and the boundary. Given the narrowness of the gap, the occupiers of Flat 2 would not have an easy or direct access to their garden area.
20. Due to the restricted outlook from the kitchen of Flat 1 and the lack of convenient or direct access to the outdoor amenity space for the occupiers of Flat 2, the proposal would fail to provide suitable living conditions for future occupiers.
21. The proposal would therefore conflict with HLP Policy 7, insofar as it requires residential development to incorporate an appropriate level of high quality and usable green infrastructure and amenity space, and Policy D6 of the London Plan (2021) (LP), which requires development to maximise the useability of outside amenity space.
22. HLP Policy 9 requires the new family unit be on the ground floor with direct access to private, good quality, usable amenity space. Since the proposal would not involve the provision of a family unit, it would not conflict with Policy 9 in this regard.

Other Considerations

23. The proposal would provide a net increase of one dwelling and therefore would make a small contribution to the area's housing supply.
24. Economic advantages, such as Council Tax payments and spending in local shops, would also arise from the occupation of a new dwelling, although these would be limited due to the small scale of the scheme.

Planning Balance

25. The Council indicates it cannot demonstrate a five-year supply of specific, deliverable housing sites as required by paragraph 78 of the National Planning Policy Framework (the Framework).
26. In this circumstance, paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, and (ii) 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, 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.
27. The proposal would not conflict with the Framework's policies that protect areas or assets of particular importance.
28. Whilst the key policy at Framework paragraph 129 supports development that makes efficient use of land, it requires decisions take into account the identified need for different types of housing, and the availability of land suitable for accommodating it. As identified above, the proposal would result in a loss of family housing for which there is an identified need in the area.
29. In addition, I have found the proposal would harm the character and appearance of the area and would not provide suitable living conditions for future occupants. Therefore, the proposal would not satisfy paragraph 135 of the Framework which requires proposals function well, be sympathetic to local character, and provide a high standard of amenity for future users. In addition, paragraph 139 requires development that is not well designed be refused.
30. Therefore, I afford significant weight to the conflict between the proposal and HLP Policies 7, 9, and 26, and consider the proposal would conflict with the development plan as a whole.
31. As described above, the benefits associated with the proposal would be small, even taking account the Framework's objective of boosting significantly the supply of housing and the Council's housing land supply position. Such benefits therefore carry modest weight in the scheme's favour.
32. Consequently, the adverse impacts of the proposed development on the supply of family housing and the character and appearance of the area, and the failure to demonstrate a high standard of amenity for future users would significantly and demonstrably outweigh the scheme's benefits. Therefore, the presumption in favour of sustainable development would not apply.

Conclusion

33. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. For the reasons given above, I conclude that the appeal should be dismissed

D Ellis

INSPECTOR