



Appeal Decision

Site visit made on 3 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2025

Appeal Ref: APP/B5480/W/25/3362739

Flats 1-10 Cheltenham Court, 20 Haydock Close, Hornchurch, Essex RM12 6EA

- 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 Raj Mahal against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0007.25.
 - The development proposed is additional storey to Block A to provide an additional 2x2 bed flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of the occupants of 16 and 18 Haydock Close, with particular regard to light and outlook;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the development would provide an adequate quantity and layout of car and cycle parking.

Reasons

Living conditions

3. Nos 16 and 18 are the end-of-terrace property adjacent to the appeal site. The garden area of No 16 is situated to the rear of the dwellinghouse, whilst the garden of No 18 is to the side. The existing Block A building is in proximity to the boundary and garden space of No 18. To the rear of the gardens is a group of tall trees, and there is a group of smaller trees in the garden area of No 18, some of which are a similar height to Block A.
4. The proposal would see an additional storey constructed on Block A. Given the modest size of the garden at No 18 together with the scale of the building and the proximity to the boundary, the third storey would dominate the outlook from the garden. Due to its height and depth, it would have a harmful enclosing and overbearing effect on the garden of No 18.
5. The trees in the garden of No 18 would not fully screen the additional storey. Furthermore, the trees could be reduced in size, removed completely or the health

of the trees may deteriorate over time. As such, the trees would not provide sufficient screening to mitigate the visual impact of the additional storey.

6. As a result of its orientation, the proposed additional storey would further reduce the amount of sunlight received in the garden of No 18 during morning hours. However, due to the presence of trees, the degree of change would be small. Consequently, the proposal would not cause significantly greater overshadowing.
7. The separation between Block A and the garden area for No 16 would ensure that there would also be no significant additional overshadowing or sense of enclosure of the garden of No 16.
8. Nevertheless, the additional storey would cause significant harm to the living conditions of the occupants of No 18. Consequently, the proposal would conflict with Policy 7 of the Havering Local Plan 2016-2031 (2021) (HLP) and Policy D3 of the London Plan (2021) (LP), insofar as they require residential development to ensure appropriate amenity and quality of life for existing and future residents, including with regards to daylight, sunlight and outlook.
9. The reason for refusal also cites a conflict with LP Policy D4, which seeks to deliver good design. However, this policy does not make any specific references to the effect of development proposals on the living conditions of the occupants of neighbouring properties. The appeal proposal therefore does not conflict with LP Policy D4 in this regard.

Character and appearance

10. Haydock Close consists largely of two-storey terraced dwellings. However, the end of the cul-de-sac is visually different as it contains the blocks of flats of the appeal site and a single-storey community centre. A third storey to Block B was allowed on appeal¹, although this had not been constructed at the time of my site visit.
11. Block A is set behind the predominant building line of Haydock Close and, owing to the topography of the street, is at a slightly lower land level than the terraced houses. Consequently, the terrace including Nos 16 and 18 would partly screen the additional storey when viewed from the street to the west and as such views of the proposal would be contained and would not be experienced in the wider area. Furthermore, the proposal would be viewed alongside buildings of varying size and design. The proposed fenestration, dormers and materials would match the existing building.
12. For these reasons, the proposed additional storey would not detract from the character and appearance of the area. The proposal would therefore accord with HLP Policies 7 and 26 and LP Policies D3, D4 and D5. These policies all require, amongst other things, for development to be of a high-quality design which respects and complements local character and the street scene.

Car and cycle parking

13. The proposed car parking would exceed the amount required under HLP Policy 24, as 10.5 spaces would be required and 17 spaces provided. The Highway Authority states that four of the parking spaces would not meet the dimensional criteria of 2.4 metres by 4.8 metres, however I have no copy of these criteria

¹ Appeal ref. APP/B5480/W/24/3345994

before me. Even if four of the spaces do not meet the size standards, there would still be 13 spaces which meet the standards, exceeding the required 10.5 spaces.

14. The turning space would be reduced, and the new parking space immediately in front of the entrance door to Block B would restrict the width of the access road. However, even if the proposed car parking arrangements result in more vehicles parking on the street, identical parking arrangements were approved in the previous appeal. As such, a fallback option exists and these parking arrangements could be implemented regardless of the outcome of this appeal. It would therefore not be reasonable to dismiss this appeal on the ground of the car parking provision.
15. The Council contends that 26.5 secure bicycle parking spaces and 2 visitor bicycle parking spaces would be required for the existing and proposed flats, including those allowed in the previous appeal. The supporting text of HLP Policy 24 states that new residential development should provide secure bicycle parking, and that new flatted development should provide space inside the building or a separate secure bicycle shed within the overall development.
16. The proposal would create two new two-bedroom flats. The cycle parking standards in LP Policy T5 require four cycle parking spaces for the new flats. Neither HLP Policy 24 nor LP Policy T5 require cycle parking to be provided for existing flats. The proposed cycle parking would therefore be sufficient for the occupiers of the proposed additional flats, and it would be unreasonable to require this scheme to also provide cycle parking for all the existing flats. For these reasons, the proposal would not conflict with HLP Policy 24 or LP Policy T5.

Other Matters

17. The Council states that the additional storey would require lift access for the block of flats. However, this has not been included in the reasons for refusal. Moreover, as I am dismissing the appeal on other grounds, this matter is not determinative in this case.

Planning Balance and Conclusion

18. The Council can currently demonstrate a 3.4-year supply of housing sites and as such can no longer demonstrate the 5-year supply required by the National Planning Policy Framework (the Framework). Paragraph 11(d)(ii) states that, in this situation, planning permission should be granted unless 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.
19. The provision of two additional units would make a small contribution to the existing supply. Economic advantages would also arise from the occupation of two flats, although these would be limited by the scale of the scheme. I therefore ascribe modest weight to these matters.
20. However, there would be substantial conflict with the Framework insofar as it requires developments to provide a high standard of amenity for existing and future users of the garden at No 18.

21. I consequently give modest weight to the provision of two new flats, and significant weight to the harms identified above and the conflict between the appeal proposal and HLP Policy 7 and LP Policy D3. It is therefore clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply in this case.
22. The proposal would conflict with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed

D Ellis

INSPECTOR