



Appeal Decision

Site visit made on 20 August 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2025

Appeal Ref: APP/B5480/W/25/3359956

Land rear of 61-63 Rothbury Avenue, Rainham, RM13 9HY

- 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 Kazi Mizan Rahman of Opportunity Limited against the decision of the Council of the London Borough of Havering
 - The application Ref is P1270.24.
 - The development proposed is the erection of a single storey 1xbed bungalow to the rear of 61 and 63 Rothbury Avenue.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposed development on the character and appearance of the area; ii) the quality of the living conditions and amenity of future occupants of the development; iii) whether the proposal would result in safe movement access/egress from the highway with regard to visibility splays, turning areas and fire emergency vehicle access.

Reasons

3. The appeal site is situated on land to the rear of numbers 61 and 63 Rothbury Avenue. The site was previously part of the rear gardens of those houses but has been separated and is surrounded by a 1.8 m high wooden fence. The access to the site is by a track which leads between number 65 and 67 and serves the rear of several properties and their garages. A number of the adjoining houses have single story outbuildings in their rear gardens. The surrounding area is mainly developed with terraced and semi-detached 2-storey properties with medium size rear gardens.
4. Policy 10 of the Havering Local Plan 2016–2031 concerns garden and back land development, which is generally supportive of proposals such as the present case. However, there are a number of criteria that should be met, including good access and not having a significant adverse impact on the amenity of existing and new occupants.

The effect of the proposed development on the character and appearance of the area

5. The access to the appeal site and the rear of neighbouring gardens to the east is a very narrow track. Whilst there are other single story buildings served by this track, they are subsidiary to the frontage dwellings. From what I saw at my site visit, the

proposal would be out of character with the prevailing development in the vicinity. Whilst it would not be conspicuous from the street, and therefore would not greatly affect the appearance of the area, it would detract from the appearance of the immediate surroundings and their general character, which would be apparent to neighbouring properties.

The quality of the living conditions and amenity of future occupants of the development

6. Number 61 and 63 would each have 65m² of private rear gardens remaining, whilst the proposed bungalow would have a 50m² rear garden as amenity space, which is satisfactory. Furthermore the internal space of the proposed bungalow would exceed the nationally describe space standards requirements for a one bedroom, two person, single story dwelling. Cycle storage and refuse and recycling enclosures would be provided.
7. Nevertheless, the appeal site is squeezed into an awkwardly shaped plot which would particularly limit the outlook from the bedroom. The window in the north elevation would be situated just some 2.8m, across a parking space, to high-level fencing to the rear. The eastern bedroom window would be close to the site boundary with the access track, looking down the access way at the rear of Nos 67 to 73. Together, these windows would provide a poor outlook and an unsatisfactory environment. This is not of a quality that should be encouraged in new residential development. This access would also provide an unattractive entry to the front door of the bungalow.

Whether the proposal would result in safe movement access/egress from the highway with regard to visibility splays, turning areas and fire emergency vehicle access

8. The meagre width of the access track is such that vehicles using it for access and egress will necessarily be travelling at slow speeds. I therefore would not envisage that there would be any material impact on pedestrian and highway safety. Furthermore, the appellant asserts that the proposed dwelling would comply with building regulations 2010, fire safety, approved document B, volume one, incorporating 2020 and 2022 amendments. I take this at face value: in view of my conclusions on the other issues, I do not consider that there is a need to consider this issue further.

Other matters

9. A neighbour has raised a number of matters of objection to the appeal scheme, most of which are not supported when looking at the details of the scheme. However, the use of the narrow access between number 65 and number 67 would lead to an unreasonable level of activity and disturbance in the rear gardens of these two properties due to the increased traffic serving an independent dwelling.
10. A further matter is that the council's Housing Delivery Test results for 2022 show 55% provision of housing and the council has a shortfall of 45% of their housing target by 2022. This leads to a presumption under paragraph 79 of the National Planning Policy Framework (NPPF) in favour of sustainable development. The proposal also benefits from the advice in paragraph 73 of the NPPF that small and medium sized sites can make an important contribution to meeting the housing requirement of the area and are essential for Small and Medium Enterprise housebuilders to deliver homes, and are often built out relatively quickly.

11. The appeal dwelling would make a contribution to the housing shortfall and it would be likely to be developed quickly by a small housebuilder. Sustainable development however, requires a judgement about the quality of the accommodation and of the design. In my opinion, the proposal fails to meet either of these criteria, such that the modest contribution of the proposed dwelling to the housing supply is not sufficient to overcome the objections to the development.
12. For the reasons that I have given, I conclude that the appeal proposal would have an adverse effect on the character and appearance of the area, and would not provide the quality of living conditions and amenity that should be expected for future occupants. In addition, I consider that access to the dwelling would lead to increase noise and disturbance for the residential properties on each side of the narrow access track.
13. For these reasons, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR