



Appeal Decision

Site visit made on 22 April 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2024

Appeal Ref: APP/B5480/W/23/3328793

119 Front Lane, Upminster, Havering RM14 1XN

- 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 Spaces Architecture against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0211.23.
 - The development proposed is the demolition of existing bungalow and replace with 2 x semi detached 3 bedroom chalets.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in December 2023. However, the changes to national policy arising from it are not relevant to the areas of dispute for this appeal. Accordingly, I have not sought comments from the main parties about this matter.

Main Issues

3. The main issues are the effects of the proposal on:
 - the living conditions of the occupants of No 121 Front Lane and No 27 Marlborough Close, with regard to outlook and privacy; and
 - the character and appearance of the area.

Reasons

Living conditions

4. The appeal site features a bungalow located within a row of dwellings to one side of Front Lane. To the rear of the site are properties fronting Marlborough Close, including No 27 Marlborough Close (No 27), which abuts the rear part of the site. Adjacent to the site is No 121 Front Lane (No 121), a detached chalet-style dwelling. The rear gardens of No 27 and No 121 are shallow and consequently limited in size.
5. The proposed dwellings would include a substantial shared rear dormer element. The dormer would include two large first floor windows. While offset from the rear of No 27, the proximity and orientation of the first floor windows would allow for unobstructed views towards both the dwelling and garden at No 27, in particular the private area immediately to the rear of the dwelling. The

resulting overlooking would lead to a significant loss of privacy for the occupants of No 27. The position and layout of the proposal in addition to the obscure glazing of the first floor window would ensure that there would be no demonstrable loss of privacy for the occupants of No 121.

6. The proposed dwellings would have a greater scale and mass in comparison to the existing bungalow. The proposal would consequently be more visible from No 27 and No 121, particularly from the rear gardens. Although the side elevation would be set in from the boundary, the first floor element would extend significantly beyond the rear elevation of No 121. The articulation of the side elevation, including the change in materials and hipped roof, would somewhat break up its mass. Nonetheless, the scale and position of the building would result in an overbearing form of development that would harm the outlook of the occupants of No 121. Furthermore, the encroachment of substantial development towards the rear of No 27 would dominate the outlook of the occupants within the dwelling and from the garden.
7. I conclude that the proposed development would result in harm to the living conditions of occupants of neighbouring properties. On this basis, the proposal would conflict with Policy 7 of the Havering Local Plan 2016-2031 (2021) (HLP), which seeks to protect the amenity of existing and future residents. The development would also conflict with the Framework, which requires developments to provide a high standard of amenity for existing and future users.

Character and appearance

8. The appeal site comprises a detached single-storey dwelling set back from Front Lane. Development in the area largely includes single-storey and chalet-style dwellings and comprise both semi-detached and detached properties. Dwellings in the area are typically on narrow plots with limited spacing between buildings.
9. The proposal would be positioned within a row of dwellings to one side of Front Lane. The development would be more visible than the existing dwelling due to its larger scale and massing. However, the building would be set back from the site frontage broadly in line with the adjacent properties. Consequently, the dwellings would not appear unduly prominent within the area.
10. Additionally, the width of the proposed plots would be comparable to those of the semi-detached dwellings at No 80 and No 74 Front Lane, which are similarly accessed via side doors. Furthermore, given that the proposal would be set in from the side boundaries and spaces between buildings are generally limited, adequate spacing between the neighbouring properties would be retained.
11. Furthermore, the proposal incorporates elements of the surrounding development, including rendered finish, roof tiles and hipped roof. In addition, the pitched roof dormer windows on the front elevations and rear dormer are prevalent features within the locality. While the dwellings would not be symmetrical, the forward projecting single-storey element would reflect the pattern of development on this side of Front Lane.

12. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. On this basis, the proposal would accord with Policies 7 and 26 of the HLP, which seek to promote high quality design that respect and complement the distinctive qualities, identity and character of the site and local area.

Other Matter

13. The appellant has suggested that the existing dwelling could be altered and extended at first floor level using permitted development rights and would have a similar effect to the proposal. However, I have not been presented with any substantive details, including a Certificate of Lawfulness, to demonstrate that there is a realistic prospect that such a development would take place. Moreover, permission is sought for new dwellings and not extensions or alterations, and I cannot be certain that the effects from permitted development would be comparable to those of the appeal proposal. Accordingly, this matter does not indicate that the proposal's impacts should be accepted.

Planning Balance

14. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the HLP, with the associated conflict reflecting harm to the living conditions of occupants of neighbouring properties. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
15. The Council states that it is unable to demonstrate a five year supply of deliverable housing sites. It is also failing to deliver its housing requirement for the purposes of the Housing Delivery Test. As such, paragraph 11 d) of the Framework indicates that 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.
16. The proposal would make a positive contribution to housing supply and delivery with associated social and economic benefits during the period of construction and once the dwellings are occupied. This is particularly the case given the Council's housing supply and delivery positions. However, the contribution of one additional dwelling to meeting housing need in Havering through a more efficient use of land in an urban area and the associated benefits are nevertheless limited by the scale of development proposed.
17. In the particular circumstances of this case, I have concluded that the proposal would significantly harm the living conditions of occupants of neighbouring properties and would conflict with the relevant policies of the development plan and the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable.

Conclusion

18. The proposal does not accord with the development plan as a whole. Material considerations do not indicate that a decision should be made otherwise than in

accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR