



Appeal Decision

Site visit made on 16 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/B5480/W/24/3354826

Garage to rear of 2C and 2D Woburn Avenue, Hornchurch, Havering RM12 4NG

- 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 Jazz Singh against the decision of the Council of the London Borough of Havering.
 - The application ref is P0562.24.
 - The development proposed is redevelopment of the existing garage for the provision of one new home.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 2D Woburn Avenue and 218 Elm Park Avenue, with regard to outlook; and
 - whether the development would provide its occupants with acceptable living conditions, with regard to outlook.

Reasons

Character and appearance

3. The appeal site sits within a predominantly residential area formed mostly of two storey terraced properties with hipped roofs. The area displays a variety of materials including brick and render, with some properties having been previously altered and extended. Plot widths within the area are generally consistent albeit there are some variations with wider plots at the end of terraces. The site itself comprises a garage building with hardstanding in front, accessed via Woburn Avenue. At the time of my site visit, the boundary with the highway was defined through wire mesh fencing.
4. Despite the use of corresponding design features and materials, the appeal proposal would represent a stark contrast to the defined character of the street scene. The modest size of the plot has the consequence of delivering an overly narrow dwelling with a reduced pitch height compared to the existing dwellings in the immediate street scene. As a result, the dwelling would appear contrived and

cramped within the plot. This represents a poor design which fails to positively correspond to the character and appearance of the area.

5. The appellant has conceded that the appeal proposal would be narrower than its surrounding neighbours but contends that this can be accommodated based on the variations in plot width in the area. However, the photographs included within the appellant's statement do not demonstrate any similarly scaled detached dwellings that I find comparable to the appeal scheme before me.
6. A lack of particular protection for the appeal site and surrounding area (i.e. it is not within a conservation area or special character area) does not undermine the importance of achieving high quality design.
7. I find therefore, the development would have a materially harmful impact on the character and appearance of the area and is therefore contrary to Policies 7 and 26 of the Havering Local Plan (HLP) (2021), which amongst other matters, seek for proposals to respect and complement the character of the site and local area.

Living conditions for neighbouring occupiers

8. The appeal proposal would replace a single storey outbuilding with a two storey dwelling. Even with the set back of the two storey element from the shared boundary, the built form would still dominate the outlook from the windows of 2D Woburn Avenue. The distance between the windows and the development would be insufficient to mitigate the impacts of the development and would leave the occupiers of no 2D with an overbearing and intrusive outlook. The magnitude of change in comparison to the existing outlook would be high, bringing built form much closer than the existing relationship experienced with 2 Woburn Avenue. This would represent a significant change to the outlook from no 2D which would be materially harmful to the living conditions of the occupiers of no 2D.
9. In addition to the above, there would be a degree of visibility from the rear of 218 Elm Park Avenue. Nevertheless, the majority of the proposed dwelling would be positioned further forwards in the plot, not directly behind no 218, and the distance between the rear of no 218 and the appeal proposal would be greater. The outlook would not be so dominated as to materially harm the living conditions of the occupiers of no 218.
10. Whilst I have identified no material harm to the living conditions of the occupiers of 218 Elm Park Avenue, the harm to the living conditions of the occupiers of 2D Woburn Avenue, with particular regard to outlook, would be significant. The proposal is therefore contrary to Policies 7 and 26 of the HLP which collectively seek to secure high quality design, including that which protects the amenities of existing residents.

Living conditions for prospective occupiers

11. The Council's reason for refusal in respect to this matter refers to a lack of outlook from the bedroom window owing to an obscurely glazed oriel window. However, as is confirmed by the appellant, only part of this window would be obscurely glazed. The main larger section of the window would be formed of clear glass, which would provide sufficient outlook for a room of this size.
12. Concern is also raised in relation to the outlook from the main ground floor living area which would face towards the rear boundary fence across the modest

distance of the proposed narrow rear garden. Nevertheless, it is accepted by the parties that the overall size of the garden far exceeds the relevant standards.

13. Whilst I agree that the outlook would be partially constrained by the fence, the views beyond the fence would be relatively open and therefore I agree with the appellant that the dominant view from the living area would be of the sky line above the fence. There would be some distance between the rear of the proposed dwelling and the nearest two storey development to a degree that the outlook from the main ground floor habitable room windows would be relatively open.
14. I find therefore the proposal would provide its occupants with acceptable living conditions, with regard to outlook. As such, it complies with Policies 7 and 29 of the HLP, which seek to protect the amenity of future residents including in relation to outlook, whilst Policy 26 promotes a high quality design. In respect to this main issue specifically, no conflict with Policies 7 or 26 of the HLP has been identified. Nevertheless, a lack of harm in relation to this main issue does not overcome the harm identified in respect to the character and appearance of the area and the effect on living conditions for neighbouring occupiers.

Other Matters

15. A lack of harm in respect of space standards, highways safety and ecology and biodiversity does not overcome the harm I have identified above.
16. The appellant refers me to two appeal decisions. Decision APP/B5480/D/23/3329933 relates to an extension to a dwelling within the same Borough. The Inspector in that decision acknowledged differences in the design and form of properties resulting in there not being a strong character or balance to the street. Based on the evidence provided, I am unaware of the site context to which that decision relates, however that appeal proposal is clearly materially different in relating to the extension to an existing dwelling rather than a new dwelling. I therefore cannot find any direct comparisons to the appeal scheme before me and have given this decision very little weight in my decision.
17. Whilst further details (by way of plans and a photograph) have been provided which add context to the decision for APP/D5120/W/18/3200541, the appellant has acknowledged in their statement that the scheme is clearly materially different to the appeal proposal. A narrow plot does not automatically impose harm to the character and appearance of an area. However, as set out in the reasoning above, in the case of the appeal scheme, I have concluded that the constraints of the plot would lead to poor design. The appellant acknowledges that no direct comparisons can be taken from the decision for APP/D5120/W/18/3200541 and therefore I have again given it very little weight in my decision.
18. The proposed development would harm the character and appearance of the area and the living conditions of the occupiers of 2D Woburn Avenue. The proposal would not accord with the development plan. On the other hand, the proposed dwelling would be within a sustainable location and the National Planning Policy Framework (the Framework) indicates that windfall sites should be supported.
19. The Government's objective as set out in the Framework is to support sustainable housing growth. Paragraph 11 d) of the Framework requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes applications involving

the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), developments should be granted planning permission 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, amongst others, policies to secure well-designed places.

20. The Council confirm they can only demonstrate a 3.4-year supply of deliverable housing sites. It therefore follows that paragraph 11 d) of the Framework is engaged. The contribution of one dwelling would make a positive contribution to the housing supply. However, given the scale of the development, this benefit is only moderate.
21. I find that the adverse impacts on the character and appearance of the area, and on the living conditions of the occupiers of 2D Woburn Avenue, significantly and demonstrably outweigh the benefits associated with a single dwelling, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

22. I have concluded that the proposal would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

L Gardner

INSPECTOR