
Appeal Decision

Site visit made on 7 April 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd of June

Appeal Ref: APP/B5480/W/24/3352907

370 Mawney Road, Romford RM7 8QP

- 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 Lauren Nikolla against the decision of the Council of the London Borough of Havering.
 - The application ref is P0832.24.
 - The development proposed is for the replacement of a garage with a new dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - a) The effect of the proposal on the character and appearance of the area;
 - b) Whether the proposal would provide satisfactory living conditions for the future occupiers, with particular regards to outlook, quality of internal space, and exposure to noise and disturbance; and
 - c) The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The appeal site relates to part of the garden area of 370 Mawney Road. The garden is flat and rectangular, extending adjacent to Percy Road which comprises two storey properties in terraced arrangements with common architectural styles and features. Percy Road also has a regular pattern of development and a predominantly consistent linear building line. The area is suburban in character.
4. The dwelling would be situated in front of the building line established along Percy Road and therefore, its siting ahead of the preceding building line would appear significantly out of keeping with the established pattern of development.
5. Furthermore, whilst properties within the area have longer rectangular shaped plots with a strong vertical emphasis, the plot of the appeal site would be significantly shallower. This would make the proposal appear as a cramped development with the dwelling taking up a significant portion of the proposed plot compared to surrounding residential plots which would be out of character with the pattern of development.

6. The design would be significantly out of keeping with the design of the properties within the area which comprise predominantly two storey properties with pitched roofs situated within terraces. The appeal proposal being detached, single storey and with a flat roof would appear as highly out of keeping and prominent within the streetscene despite being lesser in stature than neighbouring properties.
7. Whilst the proposed materials have taken inspiration from the wider area, this does not overcome the identified harm.
8. Therefore, for the preceding reasons, I conclude that the appeal proposal would be harmful to the character and appearance of the area. As a result, the appeal scheme would be contrary to Policies 7 and 26 of the Havering Local Plan (2021) (HLP) and Policies D4 and D6 of the London Plan (2021) (LP). These policies seek to ensure that development is of a high-quality design that contributes to the creation of successful places.
9. The Council identified conflict with Policy 10 of the HLP in relation to the first main matter. However, whilst this policy relates to the development of gardens, I am mindful that it does not contain any criteria associated with the character and appearance of the area. Therefore, I do not consider that Policy 10 would be a relevant policy to consider in relation to this specific main matter.

Living conditions of future occupiers

10. In respect of ceiling heights, Policy D6 of the LP states that a minimum 2.5m floor to ceiling height should be provided for at least 75% of the property. I note that the proposed plans show the external floor to soffit measurement is 2450mm which therefore indicates the internal ceiling height would fall below the standard set out in Policy D6. As such, future occupiers would be subject to an inadequate level of accommodation whereby the low ceilings would be impractical for the use of common larger furniture items such as cupboards, and would also make the rooms feel enclosed. This would prevent appropriate living conditions from being secured.
11. The appeal site is also situated directly adjacent to an electrical substation. I am mindful that noise and disturbance is generated through the humming and vibration associated with its operation. The appeal proposal would introduce a bedroom directly adjacent to the substation, only separated by the side footpath. The garden would also be situated directly adjacent to the substation. As such, future residents would be unable to avoid the humming and vibration of the substation. This would be particularly problematic at night, where future occupiers would have no choice but to sleep directly adjacent to the substation. I therefore find the appeal proposal would be harmful to the living conditions of the future occupiers in relation to noise and disturbance.
12. Whilst the depth of the garden is less than the surrounding properties within the area, I am satisfied that the garden is nevertheless of a sufficient size through its depth and width to ensure that future occupiers would not feel enclosed or subject to an oppressive environment. Future residents would have adequate external space to comfortably undertake usual activities within a garden such as siting outside or hosting guests.
13. Furthermore, the depth of the garden is also sufficient to ensure that future occupiers would have clear and uninterrupted outlook from the lounge/dining room window

and the bedroom window to an extent where future occupiers would not feel enclosed or subject to an oppressive environment.

14. As such, I conclude that the appeal proposal would conflict with Policies 7, 10 and 26 of the HLP and Policies D4 and D6 of the LP. These policies seek to ensure, amongst other matters, that development secures appropriate private internal space and that future occupants would not be subject to significant adverse impacts and unacceptable levels of noise, vibration and disturbance.

Living conditions of neighbours

15. Due to the single storey stature of the property, the height, bulk and massing of the development would not result in overshadowing or a loss of outlook to the occupiers of neighbouring properties, including those nearest at No 370, No 372 and No 108. Furthermore, due to the single storey stature of the property, the outlook from the proposed windows would not result in a loss of privacy to the occupiers of neighbouring properties, including those nearest at No 370, No 372 and No 108, as the outlook would not extend past the boundary fencing.
16. I am also satisfied that owing to the scale of the development, the introduction of a single residential property would not lead to an intensification of the site that would lead to harmful noise and disturbance to the occupiers of nearby properties.
17. Therefore, for the preceding reasons, the proposal would comply with Policies 7 and 10 of the HLP and Policy D6 of the LP. These policies, amongst other matters, seeks to protect and ensure the amenity and quality of life of existing residents is not significantly adversely impacted by development.

Other Matters

18. Concerns regarding the Council's handling of the application fall outside the scope of this decision.
19. My attention has been drawn to other properties, including at 1A Linley Crescent. These cases only share limited similarity to the current appeal given they are located away from the specific context of the appeal site. The individual circumstances present at the appeal site, including how the appeal plot interacts with the immediate area and the specific design of the scheme has meant that I have found harm in relation to both main matters. As a result, reference to these other buildings has not altered my findings in relation to the main issues.

Planning Balance

20. The Council's officer report states that the current housing land supply position is an uncontested position of 3.4 years.
21. As such, the provisions of paragraph 11(d) of the National Planning Policy Framework (the Framework) are engaged. There are no policies in the Framework that protect areas or assets of particular importance that are relevant to the appeal site and which provide a clear reason for refusal.
22. The proposal would deliver an additional dwelling. This derives support from the Framework at paragraph 61 which sets out the Government's objective to significantly boosting the supply of homes.

23. I also note, the Framework at paragraph 73 highlights the importance of small and medium sites in making an important contribution to meeting housing requirements of the area.
24. The proposal would also generate short term economic benefits through the construction of the appeal proposal, and longer-term economic benefits to local shops and services through the introduction of an additional household into the area, which draws support from section 6 of the Framework.
25. However, the benefits associated with the addition of a single dwelling to the Council's supply would be limited, even when taking account of the objective of significantly boosting the supply of housing and the Council's five year housing land supply position.
26. In my assessment, I have found that the appeal proposal would be harmful to the character and appearance of the area and would be harmful to the living conditions of future occupiers of the development.
27. The importance of achieving well designed development is a key aspect of sustainable development, which is highlighted by paragraph 135 of the Framework. It is also clear at paragraph 139 that development which is not well designed should be refused. I also note that whilst paragraph 124 of the Framework seeks to make effective use of land, this is to be achieved whilst also safeguarding and improving the environment and ensuring safe and healthy living conditions. Furthermore, paragraph 129(d) also emphasises the desirability of maintaining an area's prevailing character, including residential gardens.
28. Therefore, the conflict between the appeal proposal and Policies 7, 10 and 26 of the HLP along with Policies D4 and D6 of the LP should be given significant weight against the scheme. I find that the appeal proposal would conflict with the development plan as a whole.
29. As such, I conclude that the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, in this case, the presumption in favour of sustainable development would not apply.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR