
Appeal Decision

Site visit made on 20 September 2016

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October 2016

Appeal Ref: APP/B5480/W/16/3152013

2 Netherpark Drive, Romford, Havering RM2 5RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Jones against the decision of the Council of the London Borough of Havering.
 - The application Ref P0030.16, dated 10 January 2016, was refused by notice dated 23 March 2016.
 - The development proposed is the demolition of the existing dwelling and replacement with 2 x 3 bedroom chalets with associated amenity.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are (i) whether the proposal makes adequate provision towards education in the area arising from the development; and (ii) the effect of the development on the character and appearance of the surrounding area, with particular regard to the Gidea Park Special Character Area (GPSCA).

Reasons

Provision towards education

3. Policies DC29 and DC72 of the Council's Core Strategy and Development Control Policies Development Plan Document (Core Strategy) seek to secure contributions to education infrastructure to mitigate the impact of new development in the borough. Although these policies pre-date the National Planning Policy Framework (the Framework), they remain broadly consistent with paragraph 203, which outlines that planning obligations may still be sought in order to mitigate the impacts of new development. Paragraph 204 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (CIL) outline planning obligations must meet the three tests.
 4. Whilst the appellant does not dispute the need for a final contribution, no completed Section 106 (S106) obligation is before me, despite the appellant being given additional opportunity to submit the obligation.
 5. The Council accept their Planning Obligations Supplementary Planning Document (SPD) is out of date insofar as the pooling of contributions is concerned. However the Council points to the evidence base contained in
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Technical Report 1: Assessment of Infrastructure Costs (2013) and Technical Report 2: Viability Assessment (2013) as being up to date for calculating S106 contributions. Education contributions can still be obtained through a S106 obligation, unlike the remainder which are now funded through CIL payments. In this regard a new residential development would attract a contribution of £20,444, but a discounted figure of £6,000 is sought to mitigate for the additional dwelling. The appellant does not dispute this figure and it is the contribution sought by the Council in this case.

6. The Council contend this is required to address a severe shortage in the borough of early years, primary or secondary school places arising from new development. The Havering Draft Commissioning Plan for Education Provision (DCP) is relied upon to illustrate the shortfall.
7. The proposal would result in a net gain of a three bedroom home in the urban area that is suitable for a family with children. This would place additional demand on education infrastructure. The DCP divides the borough into several areas. The appeal site lies in Romford Primary Planning Area and the Central Secondary Planning Area. In both cases the DCP identifies that additional places are required, in particular if Oasis Academy does not open in 2016/17 as the tables do not take into account any addition requirement. I consider the contribution is therefore necessary and the Council's approach is consistent with paragraphs 17 and 72 of the Framework.
8. Whilst no specific project has been identified by the Council which is directly related to the development, it is clear from the evidence that the monies would be targeted at providing additional school places. Moreover, there is a clear shortage of primary and secondary school places in the area where the development would be located. It is the Council's intention to pool this contribution for a specific project to expand an existing school or provide a new school. The Council recognise it wouldn't cover the full cost of a project and other funding sources would be required. With regard to Regulation 123 of CIL, the Council has confirmed that it will ensure, through its monitoring arrangements, that no more than five contributions are pooled. There is no evidence before me to suggest that the necessary provision would be made by CIL contributions.
9. I am therefore satisfied that the contribution would meet the three tests set out in paragraph 204 of the Framework and Regulation 122 of CIL which require obligations to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
10. It would not be appropriate to seek to secure the obligation via condition and therefore in its absence, despite the appellant's willingness, on this issue the proposal would be unacceptable. I conclude that the proposal would fail to make adequate provision towards education in the area. Consequently, the proposal would conflict with Policies DC29 and DC72 of the Core Strategy and Policy 8.2 of the London Plan.

Character and Appearance

11. The appeal site is on the corner of Netherpark Drive and Roslyn Gardens. A detached bungalow is sited on the site amongst a garden. The design of the bungalow addresses the street scenes of Netherpark Drive and Roslyn Gardens.

Due to the acute corner plot location and the open front garden, the appeal site lies in a prominent location that is visible from Park Boulevard, Brook Road, Netherpark Drive and Roslyn Gardens. Landscaped gardens and street trees provide for an attractive and verdant setting which supplements the quality urban design, the layout of built and open spaces and surviving architectural detail that shapes the special character of the GPSCA.

12. Notably, dwellings immediately adjacent to the appeal site on the north and western sides of Netherpark Drive and Roslyn Gardens respectively are detached bungalows, although a number do have rooms within their roof spaces. These properties form strong building lines that meet at the bay window in the south eastern corner of the appeal site. The existing bungalow therefore performs a key visual function at the junction of these two roads adjacent to the setting formed by Park Boulevard. I understand from an earlier appeal decision¹ on this site that issue lay with the blank gable elevations that would face the corner of Netherpark Drive and Roslyn Gardens.
13. The appeal scheme, however would address this corner in a similar manner to the existing splayed bay window which links properties on Netherpark Drive and Roslyn Gardens. The proposed bay window together with an en-suite bathroom window and further openings in the rear elevation of the nearest dwelling to Roslyn Gardens would ensure both highways are addressed. Whilst, the Council point to a lack of symmetry between both dwellings, I consider the proposal would respond to the unique corner position. As a result, the proposal would increase the openness of the front garden by drawing the built form away from the highway, maintain established building lines and address the street scenes of Netherpark Drive and Roslyn Gardens.
14. Nearby dwellings, do also display a range of architectural styles and finishes, including the use of hip and gable roofs. In this regard the proposed half hip roof form would depart from the conventional approach. However, I do not consider it would appear top heavy and as such, it would respond to its corner location and add architectural variety to the area.
15. Although the bungalow is said to be in a poor state of repair and out of keeping with the location, I do not consider that these matters justify allowing this appeal. I recognise the effect of the proposal would be felt more widely than the site itself and the conclusions reached in the earlier appeal decision. However, this is a different scheme which I do not consider would harm the special character of the GPSCA that form part of the appeal site's attractive and prominent setting.
16. On this issue, I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the surrounding area including the GPSCA. The proposal would comply with Policies DC61 and DC69 of the Core Strategy which together seek development to maintain or enhance distinctive building forms and patterns that form the special character of the GPSCA.

Conclusion

17. I recognise the proposal would provide a net gain of one dwelling and that both dwellings would provide modern living accommodation coupled with construction work would offer modest economic, social and environment

¹ Appeal Decision Ref: APP/B5480/W/15/3139383

benefits. Despite this and my findings on the second main issue, I do not consider these matters outweigh the harm that I have identified in respect of the lack of a contribution towards education in the area which would significantly conflict with the social role of sustainable development.

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR