

Appeal Decision

Site visit made on 3 October 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 18th October 2016

Appeal Ref: APP/B5480/W/16/3153735

92 North Street, Hornchurch RM11 1SR

- 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 T Mattu against the decision of the Council of the London Borough of Havering.
 - The application Ref P0178.16, dated 4 February 2016, was refused by notice dated 4 April 2016.
 - The development proposed is a first floor rear extension to create a new studio flat unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the area;
 - highway safety and residential amenity resulting from additional on-street car parking;
 - living conditions of the neighbouring and future occupiers with regard to daylight and outlook; and
 - if necessary, whether satisfactory provision is made to mitigate the impact of the proposed development on local education infrastructure.

Reasons

3. The appeal site is situated on the eastern side of North Street, to the rear of a small parade of retail and commercial units. The parade is characterised by a mix of commercial and retail units on the ground floor and flats at first floor level. The majority of the properties within the parade have single storey flat roof rear extensions. The appeal property currently consists of a convenience store with a flat above which is accessed by an external staircase at the rear.

Effect on character and appearance

4. The proposed flat would be above an existing single storey rear extension and extend to approximately two-thirds of its depth. Whilst there are several single storey flat roof extensions nearby, a first floor extension would be uncommon and incongruous to the character of the area.
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5. Despite its location to the rear of the property, the proposed extension would be visible from Burnway, a nearby side street. As such, the flat roof would appear at odds with the hipped roofs of the surrounding two storey properties. With no first floor rear extensions of a similar depth nearby and its visibility from the public highway, it would appear as a dominant feature in the streetscene. Its overall design would give the appearance of a stark box-like development which would not be sympathetic to the character or appearance of the local area.
6. Accordingly, I conclude that due to its depth, position and roof design the proposed development would be visually intrusive and out of keeping with the characteristics of the area. Therefore, it would have a materially harmful effect on the character and appearance of the locality and would be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document (the LDF). This policy, amongst other matters, requires that development maintains, enhances or improves the character and appearance of the local area and respects the scale, massing and height of its surrounding context.

Effect of highway safety and residential amenity

7. The proposed development does not include any provision for off-street parking. Whilst the appellant has indicated that off-street parking would be provided in a narrow lane to the rear of the appeal site and that a further space on-street, the indicated area for such provision is outside of the red line boundary of the appeal site.
8. With regard to the on-street parking provision, parking on Burnway is restricted by a number of factors, including road markings and the high number of dropped kerbs serving the driveways of nearby properties. As a result, the proposal would likely result in only exacerbating the existing difficulties relating to the availability of and demand for on-street parking provision in the area. Therefore, the proposal would have an adverse effect on the availability of on-street parking and the ability of neighbouring occupiers to park their vehicles reasonably close to their properties.
9. At the site visit I saw that off-street parking space is provided in front of the convenience store. However, this provision appears to be primarily for customers and deliveries and would therefore not necessarily accord with the domestic or residential requirements of the proposed development.
10. From the evidence before me, I cannot be certain that sufficient off-street parking would be provided to meet the needs of the proposal on land within the appellant's control. As a result, the proposal would result in an overspill onto on-street parking in the area. Given the restrictions on on-street parking set out above, I find that the proposal would have a materially adverse impact on the demand for such parking and would therefore result in highway danger and inconvenience to existing highway users and local residents.
11. Consequently, I conclude that the proposal would not provide adequate off-street parking and would likely result in an increase in demand for and an overspill onto on-street parking. As such, it would have a materially harmful effect on highway safety and have an adverse impact on the amenities of nearby residents with regard to parking. Therefore, it would be contrary to Policy DC33 of the LDF which, amongst other matters, seeks to ensure that

appropriate levels of off-street parking are provided having regard to the public transport accessibility zone in which the site is located. Whilst Policy DC33 indicates that the provision is a maximum, it is my view that in this instance the maximum standard should be applied having regard to the existing on-street parking concerns.

Effect on living conditions: neighbouring and future occupiers

12. The proposal would result in the loss of a large window to the kitchen area of the existing first floor flat at the appeal property. Whilst there would be a reconfiguration of the internal layout of the existing flat, the proposed flat would have an unacceptable adverse effect on the amount of daylight which the occupiers of the existing flat would receive. Given the height, depth and position of the proposed extension, there would be some increase in the amount of overshadowing which would be experienced by the occupiers of the property to the north of the appeal property, particularly at ground floor level. However, the relevant windows of the neighbouring commercial property do not appear to serve habitable rooms and therefore the effect on its occupiers would be limited.
13. The outlook of future occupiers of the proposed development to the north would consist of a car park and service yard serving the neighbouring commercial property and the remaining flat roof of the existing ground floor extension and the rendered flank wall and roof of the neighbouring property at 1 Burnway to the east. As a result, the outlook of the future occupiers would be limited and the proposal would fail to provide an attractive living environment for future occupiers.
14. Consequently, I conclude that due to its height, depth, roof design and position close to the boundaries of the site, the proposed development would be an intrusive and unneighbourly development. It would have an adverse effect on the daylight and outlook experienced by neighbouring and future occupiers. Therefore, it would be contrary to Policy DC61 of the LDF which, amongst other matters, seeks to ensure that development does not result in unacceptable overshadowing or loss of daylight to existing or new properties or prejudices the satisfactory development of the surrounding area as a whole.

Whether, if necessary, satisfactory provision is made to mitigate the impact of the development on local education infrastructure

15. Policy DC72 of the LDF seeks to ensure that new development provides for sustainable development through securing contributions towards infrastructure that is necessary to mitigate the impact of the proposed development. Although adopted prior to the National Planning Policy Framework (the Framework), this policy is in generally conformity with it as such contributions may still be sought in accordance with Paragraph 203 which enables the unacceptable impacts of a development to be mitigated through obligations provided the tests set out in Paragraph 204 of the Framework are met.
16. Furthermore, Paragraphs 17 and 72 of the Framework state that planning should take account of and support local strategies to deliver sufficient community and cultural facilities and services to meet local needs and that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

17. The Council refers to its Planning Obligations Supplementary Planning Document 2013 (the SPD) and various technical appendices which confirm that there is no capacity in existing education provision to meet the needs generated by the development. The Council has also referred to the relevant parts of the SPD which set out the associated costs and the proportionate contribution per dwelling, which appears to have been the subject of viability testing.
18. The Council also refers to recent appeal decisions which support the securing of such contributions, particularly following the recent changes to the Planning Practice Guidance (PPG), which clarifies that such contributions can, in principle, be sought in the case of single dwellings. The Council also indicates that the proposal would have a liability in connection with the Mayor of London Community Infrastructure Levy which is an entirely separate charge.
19. Based on what I have seen and read, I am satisfied that a contribution towards education provision is justified. Whilst the appellant has indicated that they are willing to enter into a legal agreement and make a contribution towards school provision, in accordance with the PPG it would not be appropriate to seek to secure the obligation by a planning condition. Therefore, in the absence of such an agreement, the proposal would be unacceptable and contrary to Policy DC72 of the LDF, the SPD and the Framework.
20. I appreciate that the proposed development would be close to local services and facilities and would be in a reasonably accessible location with a PTAL rating of 3. However, this does not provide for a car free development and the proposal does not accord with Policy DC33 of the LDF. As such, this benefit would not outweigh the harm I have identified and therefore the proposal would not provide a sustainable form of development.

Conclusion

21. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR