
Appeal Decision

Site visit made on 26 September 2016

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 7 December 2016

Appeal Ref: APP/B5480/W/16/3154069

1-3 Station Road, Harold Wood, Romford, RM3 0BP

- 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 Tony Truesdale against the decision of the Council of the London Borough of Havering.
 - The application Ref P1390.15, dated 17 September 2015, was refused by notice dated 26 May 2016.
 - The development proposed is 3 x retail units and 6 x two bedroom dwellings.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 1 November 2016.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the decision notice was issued the Council has clarified that the decision notice contains an error. Specifically that the reference to 'no Controlled Parking Zone'(CPZ) is incorrect. It has confirmed that there is a CPZ for Harold Wood and five zones delineated as A to E. These include: Gubbins Lane (west side, north of railway Nos. 67 to 133 odd) which is zone A. Gubbins Lane (east side, north of railway Nos. 64 to 172 even) and Station Road are in Zone B.

Application for costs

3. An application for costs was made by Mr Tony Truesdale against the Council of the London Borough of Havering. This application will be the subject of a separate Decision.

Main Issues

4. The main issues are:
 - Whether the new proposal would provide appropriate living conditions for future occupants, with particular regard to provision of outdoor space;
 - The effect of the proposed parking arrangement on parking conditions and congestion; and
 - Whether the proposal would make appropriate provision for education needs arising from the development.

Reasons

Living conditions of future occupants

5. I understand that the appellant considers that the existing residential accommodation on site requires refurbishment and that the new building would be well designed. Further the appellant submits that the density of the scheme would be policy compliant. This is not disputed by the Council. Nevertheless, the size of the new building would be such that an area of communal garden space could not be provided. The plans indicate that the scheme would rely on a mix of balcony and terrace areas for the new units with the exception of flat 5, which would not have an outdoor area.
6. The Council's policies do not prescribe minimum space standards for private garden areas. They focus on the quality and usability. The areas provided would be regular in shape and a reasonable size. However, the majority of the areas would be located on the elevations of the building that would face Station Road and Gubbins Lane. These are both busy roads with vehicles and pedestrians passing by frequently. Therefore, whilst I note that the flats have been designed for flexible open plan living, occupiers using these outdoor areas would be subject to noise and disturbance and this would be compounded by their poor outlook. Therefore the areas would not provide a quality space.
7. I therefore conclude that the proposal would not provide appropriate living conditions for future occupants, with particular regard to provision of outdoor space. Therefore it would conflict with Core Strategy and Development Control Policies Development Plan Document (DPD) policy DC61, Residential Design Supplementary Planning Document (SPD) and London Plan Housing Supplementary Planning Guidance which amongst other things seek to deliver new housing that is fit for purpose and to improve the quality and design of housing.

Parking arrangement

8. There is an existing parking area to the rear of the building which is accessed from Gubbins Lane. This area would be utilised in the provision of the new building arrangement. Therefore whilst access to the retail premises would be possible the proposed layout would not provide any off street parking for the new flats.
9. The Council identify that the adopted car parking standards for a development of 4 units would normally be expected to provide a minimum of 4 off-street parking spaces. More specifically that Policy DC2 states that residential developments will only be permitted with less than one car parking space per unit where on street car parking can be controlled through a Controlled Parking Zone. In these circumstances, residents of new flatted development will be ineligible for residents parking permits.
10. There is no dispute that the site is located in an area with a PTAL of 3-4. It is the Council's view that for this reason the new residential units should have off street parking. However, the site is located opposite Harold Wood Station. This has onward connections that would allow access to day to day services such as shopping, education, employment and leisure is likely to be undertaken without the use of a car. In addition the appellant has pointed out that the building is within a local shopping parade and the Council's report highlights the frequent bus services in the locality.
11. There would be access to alternative modes of transport which would allow future residents to occupy the flats without requiring a car. In addition the Council has confirmed the existence of a CPZ and parking around the shopping

parade would appear to be time limited pay and display bays. Such restrictions would discourage future residents from parking on street in surrounding roads.

12. Overall the combination of the site location and access to public transport alongside the existing controls over on street parking lead me to the conclusion that, overall, the development could be accessed without the need to use a car and as such there would not be a significant increase in on street parking pressure that would lead to a highway safety issue. I therefore conclude that the absence of on site parking within the proposal would not have a harmful effect on parking conditions and congestion.

Provision for Education

13. The appellant has submitted a planning obligation that aims to secure a financial contribution toward additional education facilities in the borough. The Council has justified the sum sought and clarified why it considers that it would not be a tariff. I consider that the measures in the undertaking are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
14. However, I have a concern regarding the execution of the document and therefore whether the Council could rely upon it to secure the contribution. It is signed by the appellant. However, the bank has provided a covering letter from their authorised signatories and has not actually signed the deed. As I intend to dismiss the appeal for another reason I have not pursued this matter further with the main parties. Nonetheless, for the reason given, I cannot therefore be satisfied that the submitted obligation would make provision for additional infrastructure to meet the needs arising directly from the development. It would therefore be in conflict with DPD policies DC29 and DC72 and policy 8.2 of the London Plan which amongst other things seek to ensure that new development provides for sustainable development through securing contributions towards infrastructure that are necessary to mitigate the impact of the development.

Conclusion and planning balance

15. The Framework sets out a presumption in favour of sustainable development at paragraph 14 and sets out the three strands of sustainable development at paragraph 7. I note that the occupiers of the dwellings would contribute to the local economy. I also appreciate that the provision of 9 new dwellings would weigh in favour of the proposal. The scheme would also be in close proximity to the station and provide a beneficial reuse of the site in an area where there is existing residential developments. In this regard the proposal would contribute to the economic and social roles of sustainability. However, in this case the harm to the living conditions for future occupiers would not accord with the environmental element of sustainable development which seeks to protect and enhance the built and natural environment and social roles through the provision of dwellings that would not provide a high quality living environment.
16. Overall, whilst there would be some benefits arising from the scheme these would not be outweighed by the significant and demonstrable harm to the living conditions of future occupiers. For the reasons given above and having regard to all other matters raised, including the fact that Council officers recommended the scheme, I conclude that the appeal should be dismissed.

D J Board

INSPECTOR