



Appeal Decision

Site visit made on 17 January 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/B5480/W/16/3159768

131 Brentwood Road, Romford, Essex RM1 2SB

- 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 Gurdeep Singh against the decision of the Council of the London Borough of Havering.
 - The application Ref PO343.16, dated 10 August 2016, was refused by notice dated 31 August 2016
 - The development proposed is erection of part single/part two storey side extension and two storey rear extension to provide an additional residential unit and additional floor space for the existing accommodation.
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Decision

1. The appeal is dismissed

Procedural Matters

2. I have used the more succinct description of development provided on the appeal form in the interests of clarity.
3. I noted that at the time of my site visit the proposed development had been partially constructed, though not entirely in accordance with the plans before me. For clarity, I have determined the appeal on the basis of the submitted plans (4584/1 and 4584/20).

Main Issues

4. The main issues are:
 - Whether, if necessary, satisfactory provision is made to mitigate the impact of the proposed development on local education infrastructure;
 - Whether the proposal would provide satisfactory living conditions for the future occupants of this building with particular reference to the provision of private amenity space, the internal layout of the third flat, and the effect on privacy and daylight/sunlight; and,
 - The effect of the proposed parking arrangements on both the safety of local roads and the living conditions of the occupiers of dwellings on nearby roads.

Reasons

5. The appeal property is a two storey detached dwelling which has previously converted into two self-contained flats. Approval has already been given for
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extensions to this property, and, as noted above, the construction of a two storey rear extension and single storey side extension is already substantially complete. The present proposal would place an additional storey on part of the previously approved side extension. This would create an additional bedroom for the first floor flat. Internal alterations would also be undertaken to create an additional one bed roomed flat to the rear of the property.

Contribution to local education infrastructure

6. Core Strategy Policy DC72 seeks to secure the provision of contributions through planning obligations in order to ensure that new development follows the principles of sustainable development. This includes contributions to local education infrastructure, in accordance with Policy DC29, to help to meet the additional needs generated by new residential development. Whilst these policies pre-date the National Planning Policy Framework (the Framework), they remain broadly consistent with paragraph 203 which sets out that planning obligations may still be sought in order to mitigate the impacts of new development. Additionally, paragraph 204 of the Framework states that where planning obligations are sought they must meet the three tests¹.
7. The Council's Planning Obligations Supplementary Planning Documents, (Planning Obligation SPDs) Technical Report 1: Assessment of Infrastructure Costs 2013 and Technical Report 2: Viability Assessment 2013, set out how the Council has assessed contributions for a wide range of infrastructure. However, with the exception of education contributions, all of these are now funded through Community Infrastructure Levy (CIL) payments. The SPD technical reports advise that in relation to education provision the cost of mitigating the effects of new development equates to £6,000 per dwelling, which is the contribution sought by the Council in this case. The Council have confirmed that this funding would be used in a project to increase the capacity of an existing school or build a new school.
8. This approach is supported by paragraphs 17 and 72 of the Framework which 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 sufficient choice of school places is available to meet the needs of existing and new communities. It is also relevant to note the recent appeal decisions referred to by the Council which support the principle of securing such contributions to mitigate the effects of residential development on education provision in the borough.
9. As the present proposal would provide an additional unit of residential accommodation it is clear that a contribution towards education would be necessary, directly related to the development and reasonably related in scale and kind. Whilst the appellant has stated that he would have no objection to entering into a formal agreement, no completed Section 106 obligation is before me and so no mechanism exists to provide the required contribution to education provision in the borough. As noted by the Council, the Planning Practice Guidance indicates that it is not usually appropriate to seek to secure such a contribution by means of a condition².
10. The proposal would therefore conflict with the London Borough of Havering Core Strategy and Development Control Policies and Development Plan Document (the

¹ These are the three tests which are also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010: planning obligations should be necessary to make the development acceptable in planning terms; directly relates to the development; and, fairly and reasonably related in scale and kind to the development.

² Paragraph: 010 Reference ID: 21a-010-20140306

Core Strategy) 2008 Policies DC29 and DC72, and also Policy 8.2 of the London Plan which has broadly similar aims relating to local priorities.

Living conditions – future occupants

11. The appeal property and adjacent dwellings are located on reasonably sized long narrow plots. Whilst the rear extension has eaten into the rear garden space, an area of reasonable size, enclosed by close board fencing remains. I assume this would provide communal amenity space for the three residential units.
12. The Residential Design Supplementary Planning Document 2010 (the SPD) referred to by the Council in this case states that *"every home should have access to suitable private and/or communal amenity space through one or more of the following: private gardens, communal gardens, courtyards, patios, balconies and roof terraces"*, noting that *"on flatted schemes, both balconies and communal amenity space will be expected"*.
13. I accept that this would be a small scale scheme and that the nature of this existing building does not lend itself to the provision of balconies. Looking at the potential use of the existing garden area, the scheme before me indicates that the occupants of the new flat would access the rear space via doors from the rear facing lounge. It is not clear however whether or how the occupants of the two existing flats would have access to this space, nor if communal use is proposed, how the privacy of the occupiers of the new flat would be ensured. My view is therefore that the proposal would not provide access to the required standard of private outdoor space to meet the needs of the occupiers of the three units.
14. The Council also raises concerns about the internal configuration of the new unit. This layout would clearly reflect the constraints presented by the existing building and plot. However, whilst the long hallway proposed would not be ideal, the remaining area of floorspace would meet the required space standards and is not a particular cause for concern in this case.
15. Reference is made to the relationship between the side facing window in the existing bedroom of the first floor flat and the proposed rear facing window which would serve the new bedroom. Whilst I accept that these two windows would be in close proximity, with some potential for overlooking, as they would be at an oblique angle to each other this would be to a limited degree. Furthermore, as they would be part of the same property my view is that any such harm would not be significant.
16. It also appears that the first floor extension would lead to some loss of light to the existing bedroom window. The location of this window close to the shared boundary with No 133 means that the levels of sunlight and daylight reaching this window are already restricted. As the first floor extension would be to the south east of the existing window, I accept that there would be a reduction in both sunlight and daylight reaching this window, meaning that this room would be dark and gloomy. The resulting living conditions would, therefore, not be acceptable.
17. In summary, I have found that the internal layout of the third flat and the effect of the proposal on the privacy of the existing first floor flat to be acceptable. However, I have also found that the proposal would not provide satisfactory living conditions for the future occupants of this building in terms of the provision of private amenity space, and also that the effect of the proposal on the daylight/sunlight reaching the existing bedroom window of the first floor flat would be unacceptable. Overall I conclude on this issue that the degree of harm generated by these aspects of the

proposal would not be acceptable. The proposal would therefore conflict with the Core Strategy Policies DC3 and DC61, and the Residential Design SPD which seeks to ensure the provision of satisfactory living conditions for existing and future occupiers of buildings.

Parking

18. The appeal site is located on a busy road on the periphery of Romford town centre. The front garden of the appeal property is largely laid to concrete. The Council suggests that this area could accommodate two parked vehicles whilst allowing adequate access space to the two front doors to be maintained. The appellant states that parking for 3 or 4 cars could be provided in this area. As other properties on this stretch of Brentwood Road typically accommodate two parked cars in their front garden areas, and as the appeal property is located on a wider plot than most others, I accept that it would be possible to accommodate up to 3 cars comfortably within this area.
19. The Council states that the appeal site has a PTAL³ level of 3. Policy DC33 and the parking standards contained in Annex 5 and DC2 of the Core Strategy are relevant. Whilst the Council states that this area is classified as 'rest of borough', which according to the standards set out in DC2 has a PTAL rating of 1-2, requiring an allocation of 2-1.5 spaces per dwelling, it appears that there is a discrepancy in this regard as this is clearly an accessible location. Looking at the suggested provision for locations with a PTAL rating of 3-4, which seems to fit the appeal site more closely, this indicates that for terraced houses and flats provision ranging from between 1.5-1 spaces per unit and less than 1 space per unit are required. These standards represent maximum levels. In this respect my view is that the appeal site would be able to provide an acceptable level of provision for the three modestly sized units proposed.
20. The Council points to the single yellow line parking restrictions which are in place along Brentwood Road and the surrounding residential roads. It is suggested that under provision at the appeal site would lead to further parking and congestion on Brentwood Road, and additional parking demands on nearby roads. However, as noted above, my view is that the level of onsite provision would be acceptable.
21. Therefore, the proposed parking arrangements would not have a detrimental effect on either the safety of local roads or the living conditions of the occupiers of properties located on nearby roads. In this respect the proposal would comply with the parking requirements of Core Strategy Policy DC33.

Conclusion

22. I have found that the proposal would be acceptable in terms of parking provision. However, such considerations are outweighed by the lack of a contribution towards local education infrastructure in the area and the inadequacy of the living conditions which would be provided. Therefore this proposal would conflict with the development plan taken as a whole, and this conflict would not be outweighed by other material considerations. It would also run counter to the provisions of the Framework.
23. I therefore conclude that the appeal should fail.

³ Public Transport Accessibility Level: on a scale of 1-6 in which 1a indicates poor access to the location by public transport, and 6b indicates excellent access to the location by public transport.

AJ Mageean

INSPECTOR