

Appeal Decision

Site visit made on 31 January 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 07 March 2017

Appeal Ref: APP/B5480/W/16/3159884
210 Mawney Road, Romford, RM7 8BU

- 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 Samir Mody of C&M Real Estate Ltd., against the decision of the Council of the London Borough of Havering.
 - The application Ref P0585.16, dated 7 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is demolition of 2 existing semi-detached houses and construction of single two storey 3 bed detached house, separate two storey apartment building comprising 4 x 2 bedroom flats (3 – 4 person) and 4 x 1 bedroom flats (1 – 2 person).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the application form. On the Council's decision notice a different description was used, which was agreed between the main parties. However, as the difference between the two is not significant, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - the effect of the appeal proposal on the character and appearance of the area;
 - whether the proposal would make adequate provision for refuse storage; and
 - whether, taking into account national and local planning policy, the proposal would provide an appropriate mix of housing sizes in this location.

Reasons

The character and appearance of the area

4. The appeal site is on the east side of Mawney Road, and contains a pair of semi-detached houses with large garden area opening out to the rear. The houses are set back from the road behind an uncharacteristically long front garden area, currently unkempt and used for informal parking. To the north
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and south of the site are Beaufort Close and Blenheim Close respectively, cul de sacs running off Mawney Road, some rear gardens of which back on to the rear of the appeal site.

5. The appeal proposal would replace the pair of houses with a single, two storey house with a modest garden set towards the front of the site, and an apartment block to the rear of two-storeys plus an amenity roof space. An access drive would run along the southern boundary of the site, and parking would be provided along and at the end of this.
6. The proposed apartment block would be five bays in width, with projecting balconies on the east and west faces set under gabled roofs. The relatively steep monopitch main roof structure would be set around a central amenity space, creating, in effect, a third floor in terms of height. Although set to the rear of the site the block would be visible from houses and gardens along Beaufort Close, Blenheim Close and Mawney Road. It would also be visible along the access drive from Mawney Road.
7. Although the appellant has drawn my attention to a number of flatted blocks in the wider area which are of three storeys or more, these are only an occasional element in the street scene, and none are particularly close to the appeal site, where the townscape is predominantly of modest houses of two storeys. The proposed flatted block would be uncharacteristically high and bulky in this setting and would consequently be a conspicuous and intrusive addition to the area. It would, as a result, have a harmful effect on the character and appearance of the area.
8. While the proposal would, with the siting of the proposed detached house, partially reinstate the front building line typical along Mawney Road, and would bring about improvements to the overgrown rear garden, which is not currently a particularly positive attribute to the area, I do not consider that this would outweigh the harm I have identified.
9. As the proposal would harm the character and appearance of the area, it would conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document 2008 (the DPD), which makes it clear that planning permission will only be granted for development which maintains, enhances or improves the character of the local area, and that development should respond to distinctive local building forms and patterns of development and respect the scale massing and height of the surrounding physical context.
10. While the National Planning Policy Framework (the Framework) indicates at Paragraph 60 that planning decisions should not attempt to impose architectural styles or particular tastes, it is nevertheless clear at Paragraph 58 that planning decisions should aim to ensure that developments respond to local character. I conclude that the appeal proposal also conflicts with the requirements of the Framework in this respect.

Provision for refuse storage

11. The submitted plans show an area for refuse and recycling storage located towards the rear of the site adjoining the turning head off the access drive. The Council considers that the turning head provided within the site would not be sufficiently large for refuse collection vehicles to turn around, and that the access is too long to reverse up or pull the bins out to the main road, with the

result that the provision for refuse storage would not be capable of being serviced by these vehicles and would not therefore be adequate.

12. The appellant has submitted an additional plan as part of the appeal, Ref:1405-02 PI 3. This demonstrates that a refuse or fire vehicle would be capable of turning within the site. Consequently, I am satisfied that adequate provision could be made for refuse storage and collection. Were I minded to allow the appeal, this would be a matter capable of securing by way of condition. Accordingly, I conclude that the proposal does not conflict with the servicing requirements set out in Policy DC36 of the DPD.

Housing Mix

13. The appeal proposal would entail the removal of two moderately sized houses, and their replacement with a single, three bedroom house and a flatted block containing a total of eight one and two bedroom flats. Policy DC2 of the DPD sets out the densities in relation to public transport accessibility and the market housing mix that will be expected to be met if planning permission is to be granted for new housing. This residential mix fails to meet the market housing mix required in Policy DC2 of the DPD through the removal of two larger family-sized dwellings and their replacement with one larger family sized dwelling, a loss overall, coupled with an oversupply of smaller units, in an area of poor public transport accessibility. It would therefore conflict with this policy.
14. The reasoned justification for Policy DC2 states that new developments should widen housing opportunity and choice and create mixed and balanced communities, in particular family accommodation. It is also clear that developers should take a design-led approach to determining densities so that residential developments achieve densities appropriate to their accessibility to public transport, and the local context with regard to the principles of good design. While adopted prior to the Framework I consider that this policy takes an approach to housing development which is consistent with the approach to sustainability set out in the Framework. On these grounds, therefore, I do not consider Policy DC2 to be out of date, nor that the provisions of the 4th bullet point of Paragraph 14 of the Framework are engaged in this respect.
15. I have considered the argument put forward by the appellant that a balance can be struck by offsetting the provision of fewer larger family sized dwellings by a larger number of small dwellings, in the light of the difficulties of developing an awkwardly shaped site. However, although the shape of the appeal site is irregular, it is not in my view so awkward as to preclude other forms of development which could more closely meet the residential mix requirements of this policy, nor has any evidence been put before me to show that other options have been considered or that this is the only feasible option. This does not therefore justify setting aside the requirements of the policy.
16. I note also the arguments put forward by the appellant on the basis that the presumption in favour of sustainable development contained in the Framework adds weight in favour of the appeal proposal. The Framework at Paragraph 11 however directs us towards planning law, which requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The 4th bullet point of Paragraph 14 of the Framework is only engaged if the development plan is absent, silent or relevant policies are out of date. No evidence has been put

before me to indicate that the Council cannot demonstrate a five year deliverable housing supply, and I have no reason to consider that Paragraph 14 is engaged for that reason.

17. I note also the appellant's arguments in respect of the London Plan, but no evidence has been put before me to suggest that Havering is not meeting identified delivery targets for dwellings. The appellant has also disputed the public transport accessibility level (PTAL) rating for the area, stated by the Council to be a level 2. However I have noted nothing which causes me to doubt this rating. Therefore, although the appeal proposal would be capable of providing nine new housing units with accessibility to some bus routes and local facilities, the benefits created would be limited, and would not outweigh the conflict with development plan policy and the harm I have identified above.

Other Matters

18. Although the Council has in its evidence mentioned the need for a Planning Obligation in respect of a contribution towards educational provision, it did not make this a reason for refusal. The appellant has stated that he is willing to provide such an obligation, but none has been provided. As, however, I am minded to dismiss the appeal for other reasons, it is not necessary to reach a finding on this issue.
19. I note the appellant's dissatisfaction with the Council's evidence, and particularly the absence of a "Statement of Truth", however I do not consider that it has failed to provide sufficient information for me to make an informed decision on this appeal.

Conclusion

20. Notwithstanding my findings on the arrangements for refuse collection, for the reasons given above, and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR