
Appeal Decision

Site visit made on 26 January 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/B5480/W/16/3161677

R/O 13 & 15 Parsonage Road, Rainham, Essex

- 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 Sid Aldis & Billy Griffiths against the decision of the Council of the London Borough of Havering.
 - The application Ref P0339.16, dated 29 February 2016, was refused by notice dated 29 April 2016.
 - The development proposed is demolition of existing garage and construction of single storey dwelling with private amenity and off street car parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the construction of a single storey dwelling on (a) the character and appearance of the area and (b) the living conditions of existing occupiers, with particular regard to outlook; and
 - Whether the proposal makes adequate provision for any additional need for infrastructure arising from the development.

Reasons

Character and appearance

3. The site is located to the rear of Parsonage Road and as such has a frontage to Davies Close. I understand that some dwellings have been altered and that there is a community hall and single storey dwellings in the wider area. However the area of Davies Close where the new dwelling would be located is typified by pairs of two storey semi-detached dwellings. The properties form a strong frontage to the street scene. They generally have narrow and deep footprints and are simple in appearance with gable roof forms.
 4. The new dwelling would be located at the end of the close in the area between the two frontages of houses. The footprint of the new dwelling would be 'L' shaped and positioned to one side of the new plot. It would be wide and deep in plan form. As a result the building would have a wide hipped roof form. In addition the front elevation would include a bay window feature. Overall, even if appropriate materials were used, the overall design and appearance of the
-

dwelling would appear at odds with the prevailing style and as a result appear incongruous.

5. I therefore conclude that the introduction of a single storey dwelling would have a harmful effect on the character and appearance of the area. It would conflict with policy DC61 of the LDF Core Strategy and Development Control Policies DPD (CS) and Residential Design SPD (SPD) which amongst other things seek well designed new development that through its appearance, layout, scale, massing and height complements the character of the area in which it located.

Living conditions

6. The Council specifically refer to the relationship of the new dwelling to the windows at No 24 Davies Close. The main windows of No 24 would be separated from the site by its integral garage, which includes a porch and it is suggested are about 6m from the site. I understand that there is an existing wall on the common boundary. In addition the scheme would include a fence to the boundary with a small set back. Nevertheless, the height of the dwelling would be significantly greater than the fence. Therefore a large amount of the new dwelling would be visible from the front windows of No 24, even taking into account the location of the garage and porch.
7. I therefore conclude that the proposal would have a harmful effect on the living conditions of existing occupiers with particular regard to outlook. It would be in conflict with DPD policy DC61 and the SPD which amongst other things in so far as it seeks to safeguard the amenity of existing properties and the National Planning Policy Framework (the Framework) which seeks to ensure a good standard of amenity for all existing occupiers of land and buildings.

Whether the proposal makes adequate provision for any additional need for infrastructure arising from the development

8. DPD Policy DC72 seeks to ensure that new development provides for sustainable development through securing contributions towards infrastructure that are necessary to mitigate the impact of the development. Policy DC29's overall objective is the provision of adequate primary and secondary education facilities, and the stated means of achieving this include seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development.
9. It is common ground that the Council's Planning Obligations Supplementary Planning Document is out of date. The Council still considers the evidence background contained in its technical appendices to be relevant. Based on this information the requirements for education relate to the evidence provided which confirms that there is a shortage of school places across the borough. In particular that there is a need for secondary and post 16 places as well as there being no capacity to accommodate demand for primary and early years places arising from the development. The Council is seeking a contribution of £6000 per dwelling. It sets out it would monitor the obligations to ensure that no more than five contributions are pooled for individual projects.
10. The development proposed would contain family sized accommodation and the evidence before me does indicate that there is a shortage of places in schools within the Borough and as such an education contribution would be necessary.

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. Therefore in this case it would be necessary.

11. 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. 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 requires 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. However in this case I am dismissing the appeal for other reasons. As such there is no need to pursue this matter further.

Other matters

12. The grounds of appeal refer to a number of schemes that have been permitted in the borough¹. I do not have all the detail of these schemes. Therefore, whilst I appreciate some of these schemes were for development on residential garden land, none are directly comparable to the appeal scheme which I have in any event judged on its individual merits.
13. I note that the appeal scheme would provide an additional dwelling. In addition I understand that this part of the borough is in general a sustainable location for new housing and the proposed dwelling would contribute to the range of housing choice. However, none of these matters alters or outweighs my conclusions on the determining issues in the appeal.

Conclusion

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

D J Board

INSPECTOR

¹ LPA Refs: P0746.14; P1007.12; P0776.12; P1637.11; P1612.09; P0873.05 & P1210.01