
Appeal Decision

Site visit made on 23 February 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/B5480/W/16/3164262

24 Maybank Avenue, Hornchurch, Havering RM12 5SB

- 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 Ahmad against the decision of the Council of the London Borough of Havering.
 - The application Ref P1677.15, dated 10 November 2015, was refused by notice dated 14 October 2016.
 - The development proposed is a new 2 storey 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the proposal would make adequate provision for infrastructure.

Reasons

Character and appearance

3. No 24 Maybank Road is an end-terrace property on a prominent corner site at the crossroads of Maybank Road and Lancaster Drive. Properties in the locality are generally two storey terraced and semi-detached housing, and the other three corner properties at this crossroads have generous spacing to the side.
 4. Although there would be a 1m gap between the front main wall of the proposed dwelling and the side boundary, this gap would become narrower towards the rear of the property. In addition, the dwelling would be narrower than other houses in the street. Whilst the difference in width would not be substantial, it would exacerbate the cramped appearance of the building within the plot. Overall the dwelling, by reason of its height, mass and scale, would detract from the spaciousness exemplified by these corner properties, which make a positive contribution to the character of the area.
 5. I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies DPD (DCP) (2008), which requires development to respond to distinctive local building forms and
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patterns of development, and to respect the scale, massing and height of the surrounding physical context.

Infrastructure provision

6. The Council require a financial contribution towards meeting the demand for new school places, as set out in DCP Policy DC72 and supported by its Planning Obligations Supplementary Planning Document (SPD) (2013). The latter document pre-dates the restriction on pooling of contributions set out in amendments to the Community Infrastructure Levy (CIL) Regulations 2010, but the evidence base underpinning the SPD¹ demonstrates the additional demands on local education infrastructure that are likely to arise from new housing development in the borough. Whilst a new residential dwelling would require a contribution of £24,444, a discounted figure of £6,000 is sought by the Council to mitigate the impact on social infrastructure arising from the development.
7. The Council has not identified a particular project, but has stated that the contribution would address a shortage of primary and secondary school places in the borough, evidenced in the Education Commissioning Plan. It has also confirmed that it would monitor contributions to ensure that no more than five contributions would be pooled towards individual projects.
8. The proposed two bedroom dwelling would provide accommodation suitable for a family and would thus increase future demand for school places. On the basis of the evidence before me, the requirement for a planning obligation would meet the tests set out in paragraph 204 of the National Planning Policy Framework and the regulatory provisions of the Community Infrastructure Levy (CIL) Regulations 2010².
9. However, no planning obligation has been submitted. As a consequence, the proposal would not make adequate provision for infrastructure, contrary to LP policy DC72 and Policy 8.2 of the London Plan. These policies, amongst other things, seek to ensure that new developments are in line with the principles of sustainable development, and place importance on the need for social infrastructure.

Conclusion

10. For the reasons set out above I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR

¹ Education Commissioning Plan and section 106 viability assessment

² Regulation 122 of the CIL Regulations