The Planning Inspectorate

Appeal Decision

Site visit made on 23 February 2017

by Claire Victory BA (Hons) BPl MRTPI

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

Decision date: 30th March 2017

Appeal Ref: APP/B5480/W/16/3164542
2 Ingrebourne Gardens, Upminster, Havering RM14 1BG

- 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 and Mrs D Ashton against the decision of the Council of the London Borough of Havering.
- The application Ref P1687.15, dated 11 November 2015, was refused by notice dated 5 August 2016.
- The development proposed is the erection of 1 no. detached dwelling and alterations to existing vehicular access.

Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Infrastructure provision

3. The proposed four bedroom dwelling would provide accommodation suitable for a family and would thus increase future demand for school places. The Council require a financial contribution towards meeting this demand. The Council's Planning Obligations Supplementary Planning Document (SPD) (2013) pre-dates the changes to the Community Infrastructure Levy (CIL) Regulations 2010 as amended, which restricts the pooling of no more than five planning obligations towards a single infrastructure project.

4. Nonetheless, the evidence base underpinning the SPD, including the Education Commissioning Plan and School Organisation Plan, confirms there is a shortage of primary and secondary school places in the borough, and therefore additional demands on local education infrastructure are likely to arise from new housing development in the borough. This would equate to a contribution of £24,444 per dwelling. The Council seek a discounted figure of £6,000. Although the Council has not identified a particular project, it has stated that the contribution would be used specifically on a particular school expansion or new school project, and ongoing monitoring would ensure that the restriction on pooling set out in the CIL regulations would not be offended. I therefore conclude that the need 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 2010.

5. Although the appellants have indicated their willingness to pay the specified contribution, there is no signed and executed legal agreement before me, and thus I cannot be certain that the contribution would be secured. Consequently, I must conclude that the development would not make adequate provision for infrastructure. This would be contrary to Policy DC29 of the Local Development Framework Core Strategy and Development Control Policies DPD (DCP) (2008), which requires residential developments to contribute to the capital infrastructure of schools for which they create a demand, and DCP Policy DC72, which requires developer contributions to be sought and secured through planning obligations where set out in other plan policies.

Character and appearance

6. The appeal property is a semi-detached dwelling. The adjoining semi-detached property is No 54 Hall Lane, and the pair of dwellings are positioned at an oblique angle at the corner of Ingrebourne Gardens and Hall Lane. There is a detached garage close to the eastern side boundary served by a separate vehicular access with crossover.

7. DCP Policy DC69 relates to the Hall Lane Special Character Area, which is defined within the Hall Lane Policy Area Supplementary Document (2009), and covers a wide area north of Upminster railway station. It is a predominantly residential area characterised by large detached and semi-detached properties, generally set within large gardens, often with mature trees and shrubs. The policy seeks to maintain the spacious, well landscaped character of the area.

8. A small part of the Policy Area immediately north of the station, along the Hall Lane frontage is identified as Zone A, but the larger part, including the appeal site, is within Zone B. Within this area the SPD states that new development will be restricted to small scale infill plots, where mature trees and shrubs are to be retained wherever possible.

9. The appeal property is unusual in that it is one of only a few houses within the Hall Lane Policy Area oriented in such a way. This distinctive positioning, with gardens to both side and rear, provides for a sense of spaciousness in this prominent corner location and makes a positive contribution to the character of the Hall Lane Policy Area.

10. The Hall Lane Policy Area SPD does not contain specific criteria in regard to separation distances, but requires development to maintain or enhance the special character of the area. There are dwellings within Ingrebourne Gardens which maintain a substantial degree of separation from adjacent properties, the largest gap being formed by the rear garden of No 56 Hall Lane, opposite the appeal site. There are other houses where a gap is maintained, particularly at first floor level, to the side boundary. However, a significant proportion of dwellings, for example Nos 7 and 9 have two storey side extensions, with the result that the dwellings fill most of the width of the plot.

11. The detached two storey dwelling would replace a detached garage situated close to the boundary with No 4 Ingrebourne Gardens. The dwelling would follow the front building line of No 4, and would be situated approximately 1 metre from the boundary with that dwelling. The western flank elevation

would be a similar distance from the proposed side boundary of the donor property, but this would be adjacent to an area of amenity space proposed to be retained for that property. Furthermore, the closest part of No 2 would be a single storey side projection. As a result, although the gap would be relatively narrow on one side, sufficient space would be retained on the other side of the dwelling such that the special character of the area would be retained, in accordance with the SPD.

12. The height, massing and scale of the dwelling would be similar to other properties nearby, and it would be constructed of traditional materials, the details of which could be secured by condition. The sub-division of the plot would provide private amenity space for each dwelling of well in excess of 100 sqm and an existing brick wall along part of the site frontage of about 1.8m in height is to be retained in part, and would provide a degree of privacy for the amenity space. Moreover, no trees are proposed to be removed as a result of the development. Consequently the detached dwelling would be assimilated satisfactorily into the street scene.

13. The Council has pointed out that planning permission was refused for a detached house at No 54 Hall Lane. Whilst each appeal falls to be determined on its own merits, I saw that property has extensions at the side and rear, and the dwelling would be more prominent in the street scene with a flank wall facing Hall Lane. The Council also note that this decision pre-dates the adoption of the DCP, so the development plan context is different.

14. For the above reasons I conclude that the proposal would not harm the character and appearance of the surrounding area and would accord with Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies DPD (DCP) (2008). This requires proposals to respond to local building forms and to respect the scale, massing and height of the surrounding physical context.

Other Matters

15. The appellants have pointed out that the proposal would make more efficient use of the appeal site, and that it would increase the housing stock in the Borough. Nevertheless, these considerations would not be sufficient to outweigh the harm that would be caused for the reasons I have described.

16. The appellants have concerns about the manner in which the application was dealt with by the Council, but this is a separate matter outside the appeal process and thus I have given it little weight in reaching my decision.

Conclusion

17. I have found that there would be no harm to the character and appearance of the area, but the absence of a contribution toward infrastructure provision is decisive.

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

Claire Victory

INSPECTOR