

Appeal Decision

Site visit made on 14 March 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 5th April 2017

Appeal Ref: APP/B5480/W/16/3163009
78-80 Straight Road, Romford RM3 8AA

- 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 Burney (Essex) Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P0545.16, dated 30 March 2016, was refused by notice dated 28 September 2016.
 - The development proposed is erection of apartment block comprising 19 no. units plus car parking, landscaping and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted a unilateral undertaking to secure contributions towards the provision of education facilities. In addition, that a viability assessment is undertaken in the event that development does not commence within 2 years following an allowed appeal decision, in order to review whether affordable housing could be provided or a contribution made. The Council have confirmed the undertaking is acceptable. I have taken it into account and it is a matter to which I return to later.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook.
 - Whether the proposal provides adequate car parking provision and the effect on highway safety.

Reasons

The appeal site and surroundings

4. The appeal site lies on the corner of Straight Road and Faringdon Avenue. It is broadly rectangular in shape comprising of areas of concrete hardstanding and tarmac enclosed by a timber hoarding. On the evidence before me, it was most recently used as a mixed car wash, car sales, and car body shop repair and taxi
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office use although it is currently vacant and free from any buildings. The site is relatively flat but does sit at a higher level than Appledore Close to the rear.

5. It is located within a predominantly residential area of generally low density 2 and 3 storey, detached, semi-detached and terraced dwellings with traditional pitched and hipped pitched roof forms along with some blocks of flats. Typically, but not universally, dwellings are set back from the highway edge, separated from it by front gardens with soft landscaping, trees and parking areas, commensurate with its suburban location.
6. The rear gardens of properties within Appledore Close back onto Faringdon Avenue and because of the orientation of Nos. 1-9 views across the appeal site are available from the windows in the front elevations. No. 70A Straight Road is located immediately adjacent to the side of the site, separated from it by a footpath leading to Appledore Close. It is a 2 storey residential dwelling that also has a single storey dwelling sited within what appeared to be part of its former rear garden.

Character and appearance

7. The prevailing character and appearance of the area is one of residential buildings of a strong traditional form, scale and appearance. Despite some variation in the architecture along Straight Road buildings are typically constructed of brick and render, with traditional pitched roof forms, fenestration and architectural detailing. Such buildings provide the immediate and, in my view, key context in the streetscape.
8. The density of the proposal would appear to be in excess of that set out within the density matrix in Policy DC2 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 ('DPD'). Nonetheless, although this is linked to a site's accessibility such a design led approach also requires a number of less calculated considerations and judgements. To my mind, a proposal must be appropriate to the local context with regard to the principles of good design and as such, density is therefore only one measure of acceptability insofar as design is concerned.
9. The building would be very close to the boundary with the junction, separated from it by a sub-station. The overall perception would be of three storeys of substantial built form within close proximity of its boundaries, in particular to the sides. The substantial depth of the block would be clearly evident on the approach along Straight Road and the proposal would sit taller than No. 70A with little variation in its roofscape. Although an attempt has been made to reduce its impact by stepping the building back from the frontage and siting the corner in line with No. 70A, it would still be perceived as being sited substantially forward of adjoining development.
10. In combination with its overall mass and scale the proposal would appear considerably at odds with the prevalent pattern, building form and scale of development that provides the immediate context to the appeal site. Furthermore, its flat roof form and front elevation, composed of a series of rectangles, with projecting balconies juxtaposed with large rectangular windows exacerbating its overly prominent appearance. It would be an entirely alien and incongruous addition to a streetscene that has such a strong traditional and suburban character and appearance.

11. The layout and extent of site coverage would provide no significant break in what is otherwise a hard environment. Notwithstanding the few trees proposed and short front gardens the predominant character of the space within the site would be defined by the hard surfacing, enclosing buildings, bins, cycle storage and parked cars. Consequently, I share the Council's view that the overall effects of the buildings size, scale and design would not be offset by its setting.
12. Furthermore, the overall effect of such a varied mix of buff brick, accentuated with grey brick, a weathered cedar cladding and in parts; stone and zinc cladding with powder coated metalwork and render would not be reflective of surrounding buildings or sympathetic to them. The overall palette of materials and their appearance would be considerably out of keeping and visually jarring.
13. I acknowledge that in design terms it is not always essential to replicate the traditional design or appearance of a building or area and contemporary design can develop a further layer of townscape which complements, rather than competes with the past. However, in this particular case the proposal would result in a visually intrusive and overly dominant building that would fail to respect or enhance its surroundings. Instead of positively contributing it would appear at serious odds with the road's prevailing character and appearance and would detract from the Straight Road streetscene. To my mind, it would not represent a high quality of design.
14. In reaching this view I have also had regard to two extant schemes for mixed use developments on the appeal site that were granted permission by the Council in 2015. However, whilst those proposals were taller than the scheme before me they also appear to be of a very different form and covered less of the site. Whilst they would be sited closer to Straight Road and contain modern elements to the rear, they would be entirely more sympathetic to the traditional character and appearance of the area. Accordingly, those proposals would have a lesser effect than the proposal before me insofar as effects on character and appearance are concerned. They not directly comparable and in any event each case must be considered on its own merits.
15. Although the appellant has drawn my attention to examples of similar developments within the wider area, all but one of these examples is a considerable distance from the appeal site. There is a storey block further along Faringdon Avenue but I was able to view that it is of a more traditional design and appearance. Moreover, I do not consider that the examples can be reasonably said to share the same context as the appeal site and therefore do little to justify the harm that I have identified.
16. For these reasons, the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policies DC2 and DC61 of the DPD which, amongst other things, require a design led approach to housing density and 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.
17. These policies are consistent with the aims and objectives of the National Planning Policy Framework ('the Framework') which seeks planning to take account of the different roles and character of different areas and emphasises that good design is indivisible from good planning. Although 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. The proposal would therefore also conflict with the design objectives of the Framework.

Living conditions of neighbouring occupiers

18. Because of the shape, form and overall scale of the building and because the site sits raised above land to the rear, there would undoubtedly be a change in the view from the rear gardens of properties in Appledore Close. In particular from the forward facing windows of Nos. 1-9 given the buildings overall depth and height across the majority of the width of the appeal site. However, views would not be direct and although the proposal would be evident it would not provide any overwhelming sense of enclosure or be visually intrusive. Insofar as these properties are concerned it would not harm the outlook from them.
19. The depth of the side elevation facing the footpath would also be clearly evident to the occupiers of No. 70A Straight Road and the dwelling to the rear, when using their garden and from the rear facing windows of No. 70A. It would extend to a significant depth and be in such close proximity to the boundary that despite the upper storeys being stepped in from it, the eye would be unacceptably drawn to its overall size and depth. From the rear elevation and garden of No. 70A and the amenity space of the properties the proposal would be visually intrusive and overbearing.
20. I have had regard to the previously approved schemes, but because they were of a smaller depth and stepped away further from the boundary they would therefore have had a lesser effect insofar as the outlook from these properties is concerned. For these reasons, the proposal would cause harm to the living conditions of neighbouring occupiers in terms of outlook. It would conflict with Policy DC61 of the DPD which requires, amongst other things, development to complement or improve amenity. The proposal would also conflict with the Framework's objective of always seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

Parking provision and highway safety

21. The proposal would provide 19 parking spaces, including 2 disabled spaces in an area that has a PTAL¹ rating of 2 which the Council contends indicates poor accessibility. The Council's standards are expressed as a maximum standard but despite the lack of objection from the relevant highway authority, members expressed concerns that a higher range should be applied (1.5 spaces per unit or 28.5).
22. However, notwithstanding the PTAL rating I saw that public transport was within walking distance of the appeal site and this included bus stops and railway stations which appear to have regular services. Despite the PTAL rating public transport would be a realistic and attractive option for future occupiers.
23. Moreover, there are no on-street parking restrictions in place, apart from around the roundabout junction with Faringdon Avenue and there is also no evidence before me of any particular highway safety issues associated with on-street parking in this locality. Although the majority of the units would be 2

¹ Public Transport Accessibility Zones.

bedrooms, they are not large units and there is nothing substantive to demonstrate the likely levels of car ownership or that occupiers would be likely to have access to more than one vehicle.

24. From my observations, albeit during the middle of the day, a number of safe spaces to park on Faringdon Avenue and residential roads to the rear of the site were available. Overall, there is nothing substantive to persuade me that any modest increase in potential on-street parking as a result of the proposal would cause harm to highway safety or the living conditions of neighbouring occupiers.
25. In reaching this view I have also had regard to the relevant London Plan guidance² but there is nothing persuasive before me to suggest that their needs to be an overprovision to address 'overspill' parking pressures in the area. I also accept that the Council is attempting to be proactive in terms of managing parking provision for new developments but as the Council motion³ I have been provided with does not form part of the development plan I have afforded it very minimal weight.
26. For these reasons, the proposed parking provision would be adequate and there would not be an unacceptable degree of increase in parking congestion or overspill of parking arising from the development onto surrounding streets that would cause harm to highway safety. It would not conflict with Policy DC2 of the DPD insofar as it requires an appropriate parking provision and in this regard the proposal would not conflict with the highway safety objectives of the Framework.

Other Matters

27. In relation to the education contributions because I am minded to dismiss the appeal for other reasons I do not find it necessary to consider this any further. However, the submitted undertaking includes a mechanism to review the viability of providing affordable housing or a contribution in the event that development does not commence within 2 years following an allowed appeal decision.
28. Affordable housing would potentially be a benefit but nonetheless there is uncertainty around whether the review would ever be required or, moreover, result in any affordable housing or such a contribution being provided. I am satisfied that even if I were to agree such an obligation is justified and met the relevant tests⁴, the provision of affordable housing as a benefit in favour of the scheme would not outweigh the significant harm otherwise arising from it.
29. I do not have the benefit of hearing the discussion at the Council meeting and the minutes only provide a brief outline of the proceedings. Notwithstanding the original positive officer recommendation and discussions with officers, the Planning Committee was not bound to accept the advice of officers, especially as the issues involve matters of planning judgement.
30. I do not find that the lack of a site visit by members to have any bearing on my consideration of the appeal as it is reasonable to expect that given the history of the site, members would be aware of the issues involved and its context,

² Parking Standards Minor Alterations to the London Plan (2016).

³ Full Council on 14 September 2016.

⁴ Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework.

especially in light of such a comprehensive resubmission. In any event, matters of the Council's administration and determination of the proposal are not matters for me to address as part of this appeal. Although I note the level of support for this scheme and the Council's lack of objection in other respects, these neither justify nor outweigh the harm that I have identified.

Planning balance and conclusion

31. The appellant contends that the proposal would be sustainable development as envisaged by paragraph 14 of the Framework. The Council do not object to the principle of development however and the policies which form the basis for the Council's objections are criteria based policies regarding qualitative and aesthetic design and amenity considerations rather than policies that constrain the supply of housing land. In this particular case, the development plan is not absent, nor is it silent, there are no relevant policies that are out of date and the proposal would not accord with it. As such, the proposal would not therefore be the sustainable development for which the Framework indicates a presumption in favour.
32. The proposal would provide 19 additional units in an area of high housing demand and on a previously developed site. However, even in combination with such modest economic and social benefits and the use of sustainable construction methods, these benefits do not outweigh the significant harm to the character and appearance of the area and the harm to living conditions of neighbouring occupiers that I have identified.
33. Drawing everything together, whilst I have found the parking provision to be acceptable and there would be no harm to highway safety, I have found significant harm to the character and appearance of the area and harm to the living conditions of neighbouring occupiers, in terms of outlook. In my view, these are the prevailing considerations and whilst there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR