
Appeal Decision

Site visit made on 21 March 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 12 April 2017

Appeal Ref: APP/B5480/W/16/3161272

25 Squirrels Heath Road, Romford RM3 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Barkshire Hathaway Ltd against the Council of the London Borough of Havering.
 - The application Ref P1167.16, is dated 12 July 2016.
 - The development proposed is described as the conversion and extension of an existing single 4 bedroom dwelling house to include a part single storey, part 2 storey, part 3 storey rear extension to create 4 No self-contained flats (2 x 1 Bed, 1 x 2 Bed and 1 x 3 Bed Flats) with associated private amenity space and 5 Car Parking spaces.
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Decision

1. The appeal is dismissed and planning permission for the conversion and extension of an existing single 4 bedroom dwelling house to include a part single storey, part 2 storey, part 3 storey rear extension to create 4 No self-contained flats (2 x 1 Bed, 1 x 2 Bed and 1 x 3 Bed Flats) with associated private amenity space and 5 Car Parking spaces is refused.

Main Issues

2. The Council has stated that had it been in a position to determine the application it would have refused planning permission for four reasons which the main issues below reflect. These are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on the living conditions of future occupiers and the occupants of neighbouring dwellings with particular regard to overlooking and privacy.
 - The effect of the proposed development on the living conditions of future occupiers and the occupants of No 27 Squirrels Heath Road with particular regard to noise and disturbance.
 - Whether a financial contribution to the provision of education facilities is necessary.

Reasons

Character and appearance

3. The appeal property comprises a two storey, bay fronted, semi-detached dwelling house sited on a plot having a long rear garden and a parking area to the front. It occupies a relatively prominent position being located close to the busy junction of Squirrels Heath Road with the A127 Southend Arterial Road. Whilst there are a variety of architectural styles on Squirrels Heath Road, it is predominantly characterised by relatively large semi-detached and detached dwellings.
4. The adjoining property at No 23 appears to have been a former dwellinghouse that is now in use as a Dental Surgery having a substantial parking area to the front and rear. However, the frontage of the property retains the original design style and appearance of a dwelling house. The adjacent property at No 27 is a detached dwelling.
5. The appearance of the appeal property and the adjoining Dental Surgery is predominantly of a symmetrical pair of semi-detached houses having dominant central front bays with subservient side wings that have the ridge and eaves line lower than that of the central part of the building. The fenestration size and style at the front of both properties is very similar.
6. At the front, the proposed development would involve the raising of the ridge and eaves of the roof of the side wing such that the ridge and eaves height would be commensurate with the roof of the central part of the building. The height of the first floor windows in the side wing would be raised to match the height of the existing central bay window.
7. The proposed works to the front of the property would result in the provision of a substantial amount of roof structure that would appear as a dominant addition. This, together with the changes to the first floor window heights would unacceptably erode the symmetry that this pair of semi-detached properties display in the streetscene in this prominent location.
8. Whilst I note the appellant's view of the relevance of the Council's Residential Extensions and Alterations Supplementary Planning Document, it nevertheless provides a useful guide for the design considerations of development in residential areas. The proposed development would not form a subservient addition to the building and would unbalance the appearance of the pair of semi-detached properties.
9. Whilst I note the Council's concern that the gap between the appeal property and No 27 would be eroded, I do not consider this to be the case. Although there would be an increase in the height and mass of the roof structure, the position of the side gable facing No 27 remains unchanged. As such the general appearance of the gap between the two properties, although slightly reduced at roof level, would remain largely unchanged.
10. The proposed extension to the rear of the property would involve the construction of a part two and part three storey extension that would extend almost the full width of the existing rear façade at ground level and project approximately 6m. The extension would be set in at first and second floor levels to accommodate roof terraces with the maximum ridge height being commensurate with that of the current main roof of the property.
11. The rear extension would be a substantial dominant addition to the property that would be significantly larger in scale than other nearby extensions to

properties in this residential area. Whilst public views of the proposed rear extension would be limited, it would be quite visible from the rear of adjacent properties and those on Hamilton Drive where it would appear as a bulky addition that would be out of scale with both the adjoining property and other properties in the area.

12. I also agree with the Council that the incorporation of the roof terraces would result in a rear elevation containing a variety of different roof and ridge heights that would contrast markedly with the more simplistic roof form of the adjoining and adjacent properties. As a consequence, the proposed extension would result in the appearance of a property lacking any coherence with its immediate building group.
13. Taking the above factors into account, the proposal would unacceptably harm the character and appearance of the street scene and surrounding area. As such it would conflict with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (DPD) 2008. This policy, amongst other things, states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

Living conditions – overlooking and privacy

14. The rear façade of the proposed rear extension would contain roof terraces serving flats 1.1 and 2.1 on the first floor and second floors respectively. In addition, French Doors with a clear glass balustrade are proposed to serve a lounge area of flat 2.2. Although I have no evidence of any adopted separation distances, in my view the rear façade of the proposed extension is sited a sufficient distance from the rear façade of properties on Hamilton Drive so as not to cause any overlooking of an extent that would cause a loss of privacy. I also agree with the appellant that views of the rear garden of No 27 from the roof terraces would be largely obscured by the built form of the proposed extension.
15. It is inevitable in close knit urban environments that views of rear gardens would be attainable between the intervening properties. Some overlooking of the rear garden of No 27 would be attainable from the French Doors serving the lounge area of Flat 2.2. However, as there is no balcony area serving these doors, there would be little difference in the degree overlooking as a consequence of the proposed development from that which already is attainable from the existing rear first floor windows of the appeal property. In any event, the degree of overlooking from the lounge of flat 2.1 could be mitigate by an appropriate planning condition requiring the glass balustrade to be provided with obscure glazing were I minded to allow the appeal.
16. The Council have expressed concerns regarding the potential overlooking of the proposed garden areas to serve Flats G.1 and G.2 from the roof terraces. I recognise that the proposed roof terraces have been designed with a buffer element of tiled roof verge. As such, I agree with the appellant that this would create a buffer from the rear facade that would have the consequence of restricting views of the proposed garden areas.
17. Whilst there would be some degree of overlooking of the proposed gardens and part of the existing garden of No 27, I do not consider that this would be of an extent to cause an unacceptable loss of privacy. Consequently, there would be

no conflict with Policy DC61 of the DPD. This policy, amongst other things, states that planning permission will not be granted where the proposal results in unacceptable overlooking or loss of privacy to existing and new properties.

Living conditions – noise and disturbance

18. The proposed car parking arrangements would provide for two spaces to the front of the site and three spaces to the rear. The access road to the three rear spaces would be positioned in the gap between the end gable of the appeal property and No 27. Thereafter, it would run parallel to the property boundary of No 27 to access a manoeuvring area to the east of the proposed parking bays.
19. Even for the modest scale of development proposed, the occupants of No 27 are likely to experience unacceptable levels of noise and disturbance associated with vehicle and pedestrian movements passing in such close proximity to the rear garden where a degree of quiet enjoyment would be expected, particularly given the heavily trafficked nature of Squirrels Heath Road to the front of the property.
20. The proposed parking bays to serve flats 1.1 and 2.1 at the front of the site would be positioned in close proximity to the bedroom windows of flats G.1 and G.2. As such vehicle manoeuvring, giving rise to unacceptable levels of noise and disturbance, would likely occur in close proximity to these windows which would not be in the control of the occupants of these ground floor flats.
21. In addition, the occupants of No 27 and flats G.1 and G.2 would likely suffer more general disturbance as a consequence of car headlights shining into the front windows associated with vehicles accessing the driveway off Squirrels Heath Road. This further adds to my concerns regarding the effect of the proposal on the living conditions of the adjacent residents.
22. Although the Council have referred to concerns regarding noise and disturbance to the garden of No 23, this property is in use as a Dental Surgery and the former rear garden of that property is predominantly in use as a car park. I have no evidence to suggest that any part of that property is occupied for residential purposes. As such, the rear of the property appears to have little use, if any, as a private garden and as such I attach little weight to the Council's concerns that the proposed development would cause any degree of noise and disturbance to the living conditions of occupants of that property.
23. I conclude that the proposed development would cause unacceptable harm to the living conditions of No 27 and the flats G.1 and G.2 with particular regard to noise and disturbance. As such it would be contrary to Policy DC61 of the DPD. This policy, amongst other things, states that planning permission will not be granted where the proposal has unreasonable adverse effects on the environment by reason of noise.

Financial contribution

24. Policies DC29 and DC72 of the DPD seek to secure contributions to education infrastructure to mitigate the impact of new development in the borough. Although these policies pre-date the National Planning Policy Framework (the Framework), they remain broadly consistent with paragraph 203, which

outlines that planning obligations may still be sought in order to mitigate the impacts of new development. Paragraph 204 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (CIL) outline planning obligations must meet the tests set out in Paragraph 204 of the Framework.

25. Furthermore, Paragraphs 17 and 72 of the Framework state that planning should take account of and support local strategies to deliver sufficient community and cultural facilities and services to meet local needs and that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.
26. The Council accept their Planning Obligations Supplementary Planning Document (SPD) is out of date insofar as the pooling of contributions is concerned. However, the Council points to the evidence base contained in Technical Report 1: Assessment of Infrastructure Costs (2013) and Technical Report 2: Viability Assessment (2013) as being up to date for calculating S106 contributions. Education contributions can still be obtained through a S106 obligation, unlike the remainder which are now funded through CIL payments. In this regard the proposed development would attract a contribution of £18,000. The Council contend this is required to address a severe shortage in the school places across the borough.
27. There is some dispute between the main parties as to whether such contributions would constitute a 'tariff style' contribution as oppose to site specific infrastructure requirements. Both parties have provided examples of recent appeal decisions relating to this matter.
28. 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. The Council suggest that it would pool this contribution for a specific project to expand an existing school or provide a new school and would agree a list of schools to be included in a planning obligation that would be eligible for this contribution.
29. 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 would be used on a specific infrastructure project being a particular school expansion or a new school. The Council recognise it wouldn't cover the full cost of a project and other funding sources would be required. As such, in this case I am satisfied that the contribution sought by the Council would not be a tariff in that it is not based on a fixed list of charges but would be used on a site specific infrastructure project as oppose to general infrastructure in the wider area.
30. I am therefore satisfied that the contribution towards education provision is justified and would meet the three tests set out in paragraph 204 of the Framework and Regulation 122 of CIL which require 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.
31. Therefore, in the absence of such planning obligation, the proposal would be unacceptable and contrary to Policies DC29 and DC72 of the DPD.

Conclusion

32. I have found that the proposed development would not harm the living conditions of the occupants of neighbouring dwellings with regard to outlook and privacy. However, this does not outweigh the harm that would be caused to the character and appearance of the area, the living conditions of the occupants of neighbouring dwellings with regard to noise and disturbance and the absence of an appropriate mechanism to secure a contribution to meet a demonstrable need for education facilities.
33. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Stephen Normington

INSPECTOR