

Appeal Decision

Site visit made on 31 January, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 19th April, 2017

Appeal Ref: APP/B5480/W/16/3161675

30 Parsonage Road, Rainham, Havering, RM13 9LW

- 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 S Griffiths against the decision of the Council of the London Borough of Havering.
 - The application Ref: P1571.15 dated 26 October, 2015 was refused by notice dated 28 April, 2016.
 - The development proposed is demolition of existing garage and construction of detached dwelling with off street car parking, private amenity and private road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:-
 - the effect of the proposal on the character and appearance of the area;
 - the effect on the living conditions of occupiers of adjacent dwellings with respect to outlook, noise and disturbance; and
 - whether the proposal makes adequate provision for educational facilities in the area.

Reasons

Character and Appearance

3. No. 30 Parsonage Road sits in an area characterised by modest detached and semi-detached houses and bungalows, and given a very open and green aspect by the very generous nature of their rear gardens. No. 30 has a particularly long rear garden, which projects beyond the rear boundary of those of adjacent properties. The garden areas generally contain small sheds and outhouses relating to the enjoyment of the dwellings.
 4. The appeal dwelling would be a single storey, L-shaped building set towards the far end of the garden of the host dwelling. It would be of simple design with pitched, hipped roofs and a small gabled bay. It would be accessed by a long drive running along the southern boundary of the appeal site, and would have space in front for parking two cars.
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5. The appeal dwelling would have a significantly larger footprint than a small outhouse, and would introduce a substantial built element into the area of open and undeveloped rear gardens. It would also introduce a large area of hard surfacing, including the very long access drive, introducing an urbanising effect into this otherwise open setting. Although not easily visible from the road frontage, it would be seen from adjacent houses and gardens. It would therefore introduce a noticeably uncharacteristic and incongruous element into the area, which would be to its harm.
6. Although the appellant has suggested that the appeal dwelling would appear as a natural continuation of the run of single storey properties on West View Close to the rear, it appears to me that this would not be the case when viewing it from houses along Parsonage Road, and would not reduce the harm I have identified.
7. Although there is some screening present in the form of fences and trees, planting would have to be removed along the southern boundary of the site to create the access drive, which would significantly reduce this feature.
8. I conclude therefore that the proposed dwelling would harm the character and appearance of the area, and would as a result conflict with Policy DC61 of the LDF Core Strategy and Development Control Policies DPD 2008 (the CS), where it seeks development which maintains, enhances or improves the character and appearance of the local area.

Outlook, noise and disturbance

9. In terms of outlook, the appeal dwelling would be at some distance from the rear windows of houses along Parsonage Road, and offset from views from the rear of 3 West View Close. I conclude therefore that, while visible, it would be sufficiently distant or oblique not to form a harmfully obtrusive element in the outlook from these dwellings.
10. The long access road would run along the entire length of the remaining garden of No. 30 and most of that of No. 28, separated by domestic fencing. While the levels of private car trips generated by a single dwelling might be low, they would nonetheless be introducing vehicle movement into a space which was formerly a garden, and in close proximity to the adjoining gardens with only limited means of separation. This would introduce an element of noise and disturbance into the area, which would be likely to be unpleasant for those using the adjacent gardens. The turning space would also be used for manoeuvring of vehicles, which would exacerbate this effect.
11. The proposal would therefore have a harmful effect on the living conditions of neighbouring occupiers in this respect, and would, as a result, conflict with the provisions of Policy DC61 of the CS in respect of noise arising from development.
12. Other vehicle movements in the vicinity are largely screened from the rear gardens by the houses on the frontage and so do not set a useful benchmark in respect of noise and disturbance from the development.

Contribution towards educational facilities

13. Policy DC72 of the CS seeks to secure contributions towards infrastructure to mitigate the effects of development and includes provision for primary and secondary education facilities in relation to Policy DC29 of the CS. However, government policy expressed in the Written Ministerial Statement dated 28 November, 2014 (the WMS) sets out that for sites of 10 units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.
14. The proposal falls below this threshold and therefore, while I accept that Policies DC72 and DC29 do seek contributions to education facilities, this is contrary to national policy on this matter. This proposal is small-scale, and in the absence of convincing evidence that the education needs of the Borough would not be met by appropriate contributions from large-scale schemes, the WMS remains a material consideration of significant weight. I am satisfied that it is sufficient to set aside the conflict with the relevant policies in this instance.
15. Although the Council argues that the contribution sought does not represent a tariff-style contribution, it is clearly intended to be pooled with other payments, and in the absence of an identified project at the time an obligation was sought, I am not satisfied that this approach accords with CIL Regulation 122(2). Furthermore, CIL Regulation 123(3) sets out that a maximum of five obligations may be sought for a specific infrastructure project or a particular type of infrastructure. I am not satisfied either therefore that a deferred approach to unidentified projects, whether overseen by the Council or not, accords with the regulations.
16. The appellant has expressed a willingness to provide a financial contribution, but no signed obligation has been put before me. Even were such an obligation provided, for the reasons I have set out above, it would not provide a benefit which would outweigh the harm I have identified, and would not represent a reason for the grant of planning permission. I have not therefore taken the absence of such an obligation into account in reaching my decision.

Conclusion

17. For the reasons given above, therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR