
Appeal Decision

Site visit made on 21 March 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/B5480/W/16/3165666

60 Halesworth Road, Romford, Essex RM3 8QB

- 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 Mrs D Lamoureux against the decision of the Council of the London Borough of Havering.
 - The application Ref P1380-16, dated 19 August 2016, was refused by notice dated 26 October 2016.
 - The development proposed is a two bedroom linked attached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether future occupiers would be likely to experience acceptable living conditions in terms of internal living space;
 - If necessary, whether the proposal makes appropriate provision for infrastructure, with particular regard to school places;
 - The effect of the proposed development on the living conditions of neighbours with particular reference to any overbearing effects; and
 - Highway safety and residential amenity resulting from any additional on-street car parking.

Reasons

Character and appearance

3. The appeal proposal relates to 60 Halesworth Road, a two storey dwelling, situated at the end of a short terrace. The terrace is one of several groups of houses arranged around an area of open space. No 60 occupies a corner plot and has a relatively large garden to the side, within which the proposed dwelling would be sited. The front garden adjoins that of 62 Halesworth Road, an end of terrace property, which is set at a right angle to the appeal terrace. I saw at my site visit that there is some uniformity in the arrangement of the groups of dwellings on Halesworth Road and that the spacing of the terraces,
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provision of relatively large gardens and open space areas gives rise to some openness in character. I also observed that there is some variety in the design and appearance of dwellings and external materials.

4. I have had regard to the appellant's comments that the proposed dwelling would be a simple extension to the terrace built to the same design and materials and note that it would follow the existing building and roof lines. I have also had regard to the comments that the side garden is unused, and noted that it is overgrown during my site visit. However the proposed dwelling would be narrower in width at the front than the host dwelling, with a stepped element towards the rear and would occupy most of the width of the side garden, significantly reducing the existing open space between the terraces. Consequently, the proposed development would not accord with the distinct rhythm and grain of development on the estate and would erode the open character of the area.
5. The appeal proposal would give rise to harm to the character and appearance of the area. It is contrary therefore to Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) which is concerned with urban design and includes amongst other things that development responds to distinctive local building forms and patterns of development and complements or improves the character of the area through its appearance, layout and integration with surrounding land and buildings.

Living conditions - internal living space

6. The proposed two storey dwelling would make provision for one double and one single bedroom. Whilst there are several figures before me in respect of the floorspace for the new dwelling, the Parties agree that the proposed dwelling falls below the 70 square metres required in the Nationally Described Space Standards¹ (NDSS). The extent of shortfall claimed varies from 3 to 4.25 square metres. The NDSS have been adopted into the London Plan 2016, which in Policy 3.5 amongst other things, includes that housing developments should be of the highest quality internally.
7. I have had regard to the appellant's comment that the scheme could have been amended to meet the required standard but that no opportunity was given by the local planning authority to do so and regarding the size of the garden area. However, I must consider the appeal before me on its merits and find that the appeal proposal falls appreciably below the minimum provision of internal living space as set out in the NDSS. In such circumstances, I consider that the proposed dwelling would not provide satisfactory living conditions for future occupiers. The appeal proposal conflicts therefore with London Plan Policy 3.5 and DPD Policy DC61 which amongst other things, includes that development must meet the needs of all people of all ages.

Infrastructure – School Place Provision

8. DPD Policy DC72 seeks to ensure that new development provides for sustainable development through securing contributions towards infrastructure where the appropriate tests are met. Policy 8.2 of the London Plan includes amongst other things that development proposals should address strategic as

¹ Technical housing standards – nationally described space standard, March 2015

well as local priorities in planning obligations. DPD Policy DC29 is concerned with the provision of primary and secondary education facilities including by seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the development.

9. Whilst the DPD Policies predate the National Planning Policy Framework (the Framework), they remain broadly consistent with paragraph 203 which states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 204 of the Framework states that where planning obligations are sought, they must meet all of the three tests. The three tests are also set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that planning obligations should be necessary to make the development acceptable in planning terms; directly relates to the development; and be fairly and reasonably related in scale and kind to the development.
10. The Council has stated that its Planning Obligations SPD 2013 (SPD) is out of date in terms of the pooling of contributions due to Regulation 123 of the CIL Regulations. However, the evidence as set out in the supporting technical reports to the SPD demonstrates a need for school places across the borough and I note that there is no spare capacity to accommodate demand for primary and early year's school places generated by new development. The Council is seeking a contribution of £6000 per net dwelling, a figure derived from the SPD which includes 3% of the total sought to be to monitor the obligations to ensure that no more than five contributions would be pooled for individual projects. 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, which are not allocated on a geographical or a catchment basis. The Council has cited several appeal decisions² to which I have had regard.
11. The parties do not dispute that the proposed development would give rise to a need for additional educational provision. I am satisfied that the contribution sought by the Council would meet the three tests set out in paragraph 204 of the Framework and Regulation 122 of the CIL.
12. The appellant has stated that she is willing to enter into a planning agreement in this regard but the opportunity to do so was not offered during the planning application process. No such planning obligation has been provided and it would not be appropriate to seek to secure an obligation via condition given the guidance in the Planning Practice Guidance³ and therefore in its absence, despite the appellant's willingness, on this issue the proposal would be unacceptable. I conclude that the proposal would fail to make adequate provision towards education in the area and conflicts with Policies DC29 and DC72 of the DPD and Policy 8.2 of the London Plan.

Living conditions of neighbours

13. The proposed dwelling would be sited close to the common boundary with the neighbouring No 62 and the rear garden of a property on Gooshays Drive. Although the appeal scheme would present a stepped two storey flank wall

² APP/B5480/W/16/3157634; APP/B5480/W/16/3160652; APP/B5480/W/16/3152013; APP/B5480/W/16/3153735

³ PPG Paragraph: 010 Reference ID: 21a-010-20140306

considerably nearer to the adjoining gardens than the present dwelling, given the location of the proposed dwelling in relation to the rear of the garden of the property on Gooshays Drive, I do not find this to be unacceptable. In respect of No 62, I saw at my site visit that there is a building close to the common boundary with the appeal property, which would provide some physical separation between the proposed dwelling and the useable garden area of No 62. I consider that given the location of the appeal building in relation to the garden of No 62, whilst there would be some change in outlook, unacceptable dominating effects would not occur.

14. To conclude on this matter, the appeal scheme would not give rise to unacceptable effects to the living conditions of neighbours and does not conflict in part with DPD Policy DC61 in this regard.

Highway safety

15. The appeal property has no off-street car parking provision and I saw at my site visit that on-street parking on Halesworth Road is not regulated, although is influenced by the presence of footway crossovers. The Council contend that the appeal site has Public Transport Accessibility Level (PTAL) zone score of 2 which is rated as poor and that the parking requirement is 1.5-2 spaces.
16. I have had regard to the objection by the Highway Authority, but consider that given the appeal proposal makes provision for a net increase of 2 car parking spaces and the availability of on-street parking in the area, the appeal proposal would not give rise to an unacceptable parking overspill onto the adjoining roads or loss of amenity. Although the provision of the proposed access would involve the relocation of a street light, I do not consider that it is impractical.
17. The appeal proposal does not conflict with DPD Policy DC33, which includes amongst other things that car parking provision within new developments should not exceed the maxima set out in the London Plan, which was updated in this regard in 2016 and postdates the DPD. Additionally, the Council has also referred to DPD Policy DC2 in its statement which is concerned with housing mix and density. Whilst the appeal scheme does not achieve the level of parking provision overall for the appeal site as required by DPD Policy DC2, I conclude that the proposal would not give rise to unacceptable harm in this regard and does not conflict with the development plan as a whole.

Other matters

18. I have had regard to the appellant's comments that the proposal would bring forward a dwelling to help to meet housing need but this does not outweigh the harm found. The appellant's comments regarding the Council not being willing to enter into a S106 agreement unless the application was looking favourable is a matter for local government accountability.

Conclusions

19. I find the appeal scheme to be unacceptable in regards to the effect of the proposed development on the character and appearance of the area, internal living space and in respect of the provision of infrastructure. These matters are not outweighed by my findings in regards to effects on the living conditions of neighbours and highway safety.

20. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR