

Appeal Decision

Site visit made on 28 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/16/3165812
49 Straight Road, Romford RM3 7JB

- 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 Finch against the decision of the Council of the London Borough of Havering.
 - The application Ref P0875.16, dated 24 May 2016, was refused by notice dated 23 November 2016.
 - The development proposed was originally described as '*demolition of existing dwelling and outbuildings with proposed new build building comprising 7 self contained mixed apartments with associated parking and amenity*'.
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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 highway safety with particular regard to car parking;
 - The effect of the appeal scheme on the character and appearance of the area;
 - Whether future occupiers would be likely to experience acceptable living conditions with particular reference to private amenity space; and
 - Whether the proposal makes appropriate provision for infrastructure, with particular regard to school places.

Reasons

Highway safety

3. The appeal proposal is for 7 apartments. It is proposed that six off-street parking spaces are provided to the front of the dwelling, arranged either side of a central site access along with one space in the form of an integral garage. The provision of the proposed access would require the removal of a street tree. I saw at my site visit parking bays marked on the wide pavement along Straight Road, with two bays in front of the appeal site. The Highways Authority has objected to the proposal as it considers that parking should be provided to a standard of 1.5-2 spaces per unit as the PTAL for the site of 2, is
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- poor. I have noted that the Council's statement refers to the site having a PTAL rating of 1-2.
4. London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) Policy DC2 sets out that car provision for new housing in areas with a PTAL of 1-2 should be 1.5-2 spaces per unit. DPD Policy DC33 sets out that car parking provision within new developments should not exceed the maxima which are based on those provided in the London Plan. The London Plan Parking Standards were updated in March 2016 in the Parking Standards Minor Alterations to the London Plan (MALP). These set out maxima for dwellings in suburban locations with a PTAL of 0 to 1 of up to 2 spaces and 2 to 4 of up to 1.5 spaces. In this regard, I find that the appeal proposal with a provision proposed of 1 space per unit does not exceed the maximum standards for car parking provision as set out in the MALP and DPD Policy DC2.
 5. However, the proposed integral garage appears to be narrow in width and consequently, its practical use as an effective parking space is questionable. Having had regard to the limited on-street parking available both near the appeal site and in the wider area, I consider that the level of car parking proposed would not be sufficient to prevent overspill parking from occurring, which would contribute to parking stress in the area. I have regard to the appellant's comments concerning the access to bus stops and services, links with the railway station and the close proximity of a supermarket. However, the public transport accessibility is not sufficient to give rise to a high PTAL score and having also had regard to the target market for the proposed development, I find that the level of parking provision to be insufficient to prevent significant harm in this regard.
 6. The position of the parking spaces adjacent to the footway with no buffer could give rise to vehicles manoeuvring within the footway to the detriment of pedestrian safety. However, this matter could be addressed by way of a planning condition concerning the front boundary treatment were I so minded to allow the appeal.
 7. During my site visit, I viewed the developments at Mayfield Lodge on Straight Road which has a parking arrangement similar to that before me and that at The Drill roundabout referred to me by the appellant. I have had regard to the appellant's comments concerning these developments, but I have little detail before me of these schemes. I consider that even if circumstances of these developments are similar to that before me, they should not provide examples which inevitably should be followed given the harm found in this case.
 8. To conclude on this matter, the appeal proposal would give rise to unacceptable harm to highway safety and conflicts with DPD Policy DC2. The appeal proposal does not exceed the maximum parking standards set out in the MALP and therefore does not conflict with DPD Policy DC33.

Character and appearance

9. I saw during my site visit that the dwellings in the area are predominately two storeys in scale and that consequently the existing bungalow at the appeal site appears as being atypical within the street scene. There is no dispute between the main parties that the proposed block of flats would be in keeping with the surrounding area.

10. To the front of the proposed building would be sited the hard surfaced car park area, which I note would be similar in appearance to that situated nearby at Mayfield Lodge. During my site visit I observed that a significant number of front gardens on this part of Straight Road have been hard surfaced. However, in this case, the extent of hard surface and lack of landscaping would give rise to a wide frontage of a stark appearance which would be visually intrusive within the street scene. I do not consider that the development at Mayfield Lodge provides an example which should inevitably be followed in this regard given the harm found.
11. The appellant has suggested that this matter could be dealt with by way of a planning condition concerning landscaping. However, I am not convinced that the front of the appeal site could be landscaped without a significant effect upon the provision of car parking.
12. The proposed car parking area would give rise to significant harm to the character and appearance of the area contrary to DPD Policy DC61 which sets out that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. It also fails to accord with the guidance set out in the Council's Design for Living Residential Design Supplementary Planning Document 2010 (SPD).

Living conditions

13. The SPD seeks to ensure that new residential development is built to the highest quality. The SPD sets out that design and provision of private amenity space is particularly important in flatted schemes and includes that balconies should be incorporated into all developments and should as a minimum, be 1.5 metres in width and 5 square metres in overall size.
14. The appeal scheme provides a shared garden area to serve the development which I have had regard to. However, the first floor flats, whilst having Juliet type balconies, are not provided with any external private amenity space. Consequently, whilst I have had regard to the appellant's comments concerning internal living space, the proposed first floor flats would not provide adequate living conditions for future occupiers in regards to private amenity space. The appellant has stated that the layout of the proposed flats could have been varied during the application process, but I must deal with the scheme before me on its own merits. Reference has also been made to other developments in the area which it is stated do not meet the required standards, but I have no details of such schemes before me.
15. The appeal scheme would not provide adequate living conditions for future occupiers in terms of private amenity space contrary to DPD Policy DC61 which is concerned with urban design and amongst other things includes that development meets the needs of all people of all ages. It also fails to accord with the SPD and the National Planning Policy Framework (the Framework) which in paragraph 17 states that planning should always seek a good standard of amenity for all existing and future occupiers of land and buildings.

Infrastructure – school places

16. 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 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.

17. Whilst the DPD Policies predate 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.
18. 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 decisions¹ to which I have had regard
19. In this case there would be a net increase of 6 dwellings, which 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 CIL.
20. The appellants have stated that they are 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 the obligation via condition given the guidance in the Planning Practice Guidance² 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. Consequently, the proposal would conflict with Policies DC29 and DC72 of the DPD and Policy 8.2 of the London Plan.

Other matters

21. I have had regard to the appellant's comments concerning the use of planning conditions, but have not found that planning conditions would make an

¹ APP/B5480/W/16/3157634; APP/B5480/W/16/3160652; APP/B5480/W/16/3153735.

² PPG Paragraph: 010 Reference ID: 21a-010-20140306

otherwise unacceptable development, acceptable in this case. I have also taken into account that the comments regarding the level of objections received and that the appeal scheme would contribute towards meeting the need for affordable housing, but these matters do not lead me to a different conclusion.

Conclusion

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

Philip Lewis

INSPECTOR