The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 26 July 2017

Appeal Ref: APP/B5480/W/16/3161974
173 Four Oaks Café Hostel, New Road, Havering, Rainham RM13 8SH

- 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 CO/Spaces Architecture against the decision of the Council of the London Borough of Havering.
- The application Ref P0048.16, dated 14 January 2016, was refused by notice dated 26 July 2016.
- The development proposed is proposed demolition of existing buildings including clearance of site. Replacing with 9x3 bedroom mixed use dwellings with associated parking and amenity. Including new private access road to dwellings. All within gated development.

Decision

1. The appeal is dismissed.

Main Issues

2. These are:

(i) the effect of the proposal on the strategic priorities for redevelopment and on the character and appearance of the area;

(ii) whether the proposal would make adequate provision for education infrastructure;

(iii) whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to noise and disturbance and outlook; and,

(iv) the effect of the proposal on highway safety, with particular regard to refuse collection and emergency vehicles.

Reasons

Redevelopment and character and appearance

3. The appeal site is accessed off New Road, a wide thoroughfare that supports a mix of uses, predominantly commercial but also residential. Either side of the appeal site are commercial car garages; to the rear residential properties.

4. The appeal site is within an area that is undergoing change, supported by

policy PG01 of the Rainham and Beam Park Planning Framework (RBP Framework)[1] and policy SSA12 of the Site Specific Allocations DPD[2] which identify the need for the site and its surroundings to be comprehensively planned. The policy identifies piecemeal development proposals as being unacceptable where they inhibit the development of a coherent urban block structure as illustrated within the policy, and where they do not meet the requirements listed.

5. The development would be within the urban block identified in policy PG01. However, it has not been demonstrated how developing the appeal site for residential use would meet the land use, character and on-site infrastructure specification set out in section 5 of the RBP Framework. Furthermore, in the absence of a phasing plan to show how the development could be accompanied by development in the future, there is no evidence to show that the layout of the development proposed would not jeopardise the redevelopment of land either side of the appeal site in the future. The gardens to plots 1-4 in particular have the potential to restrain the scale and layout of development further east because of the need to take account of matters including privacy, light levels and outlook.

6. The RBP Framework identifies the importance of a frontage to New Road. Whilst one of the buildings proposed would be perpendicular to New Road in the same way that other buildings in the area are positioned, the entrance to the building would face away, which would undermine the importance of the frontage identified in the RBP Framework. The layout of the development would also be out of keeping with existing buildings in the area that have their front elevations facing the street. I recognise that New Road is a major link road and not a high street, however, it does have a pavement which pedestrians use. I find no reason, therefore, to consider frontage onto New Road any less important.

7. Policy DC61 of the DPD[3] seeks development that responds to local patterns of development. The height of the development would exceed the height of existing development either side of the site. Together with the design of the roof having little in common with the arrangement of roofs in the area, the development would appear incongruous. That said, character and appearance has to be considered in the context of the change that the area is undergoing. Until such a time when the appeal site, together with the land either side is redeveloped, development on the site will appear incongruous. However, when making some allowance for this and accounting for the benefit redeveloping the site would have for improving the quality of the environment, the conflict with policy PG01 of the RBP Framework and policy SSA12 of the Site Specific Allocations DPD concerning comprehensive masterplanning is not overcome.

8. I am aware that planning permission was granted for a residential development on the appeal site in 2006. This was before the RBP Framework was adopted and therefore the development would have been decided against different planning policies. Consequently a fair and reasonable comparison cannot be

[1] London Borough of Havering, Rainham and Beam Park Planning Framework, Final Report (January 2016)
[2] London Borough of Havering, Site Specific Allocations Development Plan Document (Adopted 2008)
[3] London Borough of Havering, Core Strategy and Development Control Policies, Development Plan Document (Adopted 2008)

drawn with the current proposal for me to give favourable weight to an earlier permission on the site.

9. In all, therefore, I have found that the development would have a harmful effect on the strategic priorities for redevelopment and on the character and appearance of the area, contrary to policy PG01 of the RBP Framework, policy SSA12 of the Site Specific Allocations DPD and policy DC61 of the DPD.

Education infrastructure

10. Policies 8.2 of the London Plan[4] and policies DC72 and DC29 of the DPD encourage the use of financial contributions to help provide the infrastructure that is necessary to mitigate the impact of development, in this case with regards to education. The Council has sought a contribution towards education infrastructure. The appellant has indicated a willingness to make such a contribution. Based on all that I have read I find no reason to depart from the view that a contribution towards education infrastructure is required.

11. Despite the appellant's willingness to enter into a legal agreement I do not have one before me. As it would not be appropriate to secure the obligation via condition, I conclude that the proposal fails to make adequate provision for education facilities. It would have an adverse impact upon education infrastructure, conflicting with Policies 8.2 of the London Plan and policies DC72 and DC29 of the DPD.

Living conditions – future occupiers

12. The site would be flanked on two sides by car garages. Noise emanating from these uses, not least from car engines and machinery would create noise and disturbance that would be harmful to the resident's living conditions on plots 1-4. The distance of separation between these dwellings and the garage to the west may help to ameliorate any noise and disturbance. However, the proximity of the gardens to the garage on the other side of the site means that noise and disturbance would interfere with resident's peaceful enjoyment of their garden. Consequently the proposal would be contrary to policy DC61 of the DPD which seeks development that does not have unreasonable adverse effects by reason of noise impact within developments.

13. Occupiers of the dwellings proposed would look onto a front yard and a rear garden. The lounge areas and rear gardens to plots 1-4 would overlook an industrial building that would be create an unpleasant outlook for residents. The prevalence of hard landscaping and car parking to the front of the properties would provide a poor quality outlook from the kitchen areas. That said, the soft landscaping proposed would help ameliorate views; furthermore residents are unlikely to stand for long periods of time in the kitchen for any shortcomings in outlook to have a discernible effect on living conditions. Notwithstanding this I have found harm to living conditions because of the poor outlook from the rear of the properties on plots 1-4.

14. Policy DC61 of the DPD makes no reference to outlook. Therefore, whilst finding harm to the living conditions of residents by way of outlook, the proposal would not be contrary to policy in this regard.

[4] The London Plan, The Spatial Development Strategy for London, Consolidated with Alterations since 2011 (March 2016)

15. I am aware that the Council did not find harm with regards to matters of light, quality of amenity or overlooking and on the basis of the evidence before me, I find no reason to take a different view. Nevertheless, these benefits do not overcome the harm found by way of noise and disturbance and outlook.

16. For the reasons given, the development would not provide acceptable living conditions for future occupiers, with particular regard to noise and disturbance and outlook. Consequently the proposal wold be contrary to policy DC61 of the DPD as indicated.

Highway safety

17. The drawings before me demonstrate that an appropriately sized vehicle for refuse collection and an emergency vehicle could enter and leave the site in a forward gear, using a turning area within the site. In the absence of any evidence to the contrary, I am satisfied that the requirements of policy DC36 of the DPD can be met, which requires servicing arrangements for new housing to enable vehicles to leave in a forward gear. The proposal would not, therefore, have a harmful effect on highway safety, with particular regard to refuse collection and emergency vehicles.

Other matters

18. I note that the Council raised no objection to matters such as parking, density, internal space standards and amenity space and in the absence of any evidence to suggest otherwise, I find no reason to disagree. I am also aware that objections were not received by some third parties, including Thames Water. However, whilst a scheme that is acceptable in these terms is welcome, it does not overcome the harm found nor the conflict with policy identified.

19. The development would contribute to local housing need. However, I have no details before me to ascertain what the Council's position on housing need is and therefore what contribution the proposed development would make to this.

20. The appellant refers to My Dyke Estate for comparison purposes. I have no details of this development nor could I see it from my observations on site for it to have any bearing on the merits of the current proposal. Notwithstanding this, my considerations relate to the planning merits of the development proposed.

21. I note the appellant's concerns regarding the Council's handling of the planning application and associated concerns regarding time and cost. However, my considerations relate solely to the planning merits of the case.

22. The Council notes that, if the appeal is allowed, a CIL payment is required based on a formula that relates to the size of the development. I acknowledge the willingness expressed by the appellant to commit to this payment. However, being a payment that is dependent on the outcome of the appeal, it carries no weight in my decision.

Conclusion

23. For the reasons given I find that the development would be contrary to the development plan and none of the material considerations indicate that the decision should be made, other than in accordance with the plan. The appeal is, therefore, dismissed.

R Walmsley

INSPECTOR