
Appeal Decision

Site visit made on 25 September 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 18th October 2017

Appeal Ref: APP/B5480/W/17/3179230

111 Clockhouse Lane, Romford RM5 3QS

- 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 Tariq Jameel against the decision of the Council of the London Borough of Havering.
 - The application Ref P1767.16, dated 26 October 2016, was refused by notice dated 17 March 2017.
 - The development proposed is 'demolish the existing garage at the rear of the property and build a self-contained two bedroom dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 1. The effect of the proposal on the character and appearance of the area.
 2. The effect of the proposal on highway safety.
 3. Whether, if necessary, satisfactory provision is made to mitigate the impact of the proposed development on local education infrastructure.

Reasons

3. 111 Clockhouse Lane is an extended semi-detached house located at the junction of Dominion Drive and Clockhouse Lane. The property has a substantial rear garden which accommodates a detached single garage with vehicular access from Clockhouse Lane. It is proposed to demolish that garage and to replace it with a detached bungalow.
4. The area surrounding the site is a well-established residential area comprising predominantly semi-detached houses built at a similar time and in a similar style, set out in a regular pattern. Properties are generally set back from the highway on well-defined building lines and have good sized front gardens and parking spaces. Exceptions to this include corner properties, such as No 111, which face the road junction at an angle, and properties to the south of the site, which are of a variety of styles and include a semi-detached bungalow immediately adjoining the site.
5. In terms of its size and appearance, the proposed bungalow would not be out of scale or character with the neighbouring properties. However, the plot size,

and in particular its depth, appears to be considerably smaller than that generally found in the locality. In order to provide some rear garden space, the plans indicate that the dwelling would be sited considerably forward of the building line. As such it would be a prominent feature in the street scene, particularly when viewed from the south. In addition, the area of front garden would also be shallower than that of other properties. Consequently the dwelling would appear cramped on its plot and would not reflect the prevailing pattern of development.

6. As such the proposal would be contrary to Policy DC61 of the Council's Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) which states that development must, amongst other things, respond to distinctive local building forms and patterns of development.

Highway safety

7. The Council advises that the site is located in an area which is recognised as having a very poor level of access to public transport and therefore requires provision of 1.5-2 parking spaces per dwelling. Plans indicate that one parking space would be provided for the proposed bungalow. The proposal would also result in the loss of the existing garage and parking space for No 111 and it is unclear from the plans before me whether and where they would be replaced. As such the proposal would result in an increase in demand for on-street parking space.
8. I have noted the comments of the local residents that there is a high demand for on-street parking space locally, although I am not aware of any parking restrictions along this section of Clockhouse Lane or Dominion Drive. At the time of my site visit there was very little on-street parking although I noted that the presence of footpath crossovers influences the availability of such space. Nevertheless I acknowledge that there may be some inconvenience to existing residents as a result of an increase in demand for spaces.
9. I acknowledge concerns that visibility at the junction of Dominion Drive and Clockhouse Lane is restricted and I noted the change in levels and bend in the road. However, there is no technical evidence before me to demonstrate that the prevailing conditions cause a danger to highway safety and moreover, no convincing evidence to demonstrate whether any limited additional on-street parking would exacerbate such harm. On the basis of the evidence before me therefore, I conclude that the proposal would not be harmful to highway safety.
10. I conclude on this issue therefore that the appeal proposal does not conflict with Core Strategy Policy DC33, which requires amongst other things, that car parking provision should not exceed the maximum set out. In addition, there is no technical evidence before me that the development would have an adverse effect on the functionality of the highway. As such the proposal does not conflict with Policy DC32.

Whether, if necessary, satisfactory provision is made to mitigate the impact of the proposed development on local education infrastructure.

11. Policy DC72 of the DPD seeks to ensure that new development is in line with the principles of sustainable development through securing contributions

towards infrastructure which mitigate the effects of the development. Policy DC29 relates specifically to the provision of primary and secondary education facilities and seeks payments from residential developers for the capital infrastructure of schools required to meet the demand generated by the residential development.

12. Evidence set out in the technical reports supporting the Planning Obligations SPD 2013 demonstrates a need for school places across the Borough and advises there is no spare capacity to accommodate demand for primary and early year's school places generated by the new development. Accordingly the Council is seeking a contribution of £6000 per dwelling based on calculations set out in the SPD, which includes a contribution towards monitoring the obligation.
13. The Council indicates that the monies generated would be targeted at either providing additional schools or to provide additional places which are not allocated on a geographical or catchment basis. Whilst it is unknown at this stage exactly where the contribution would be spent, the Council advises that it would agree a list of schools to be included in the obligation that would be eligible for this contribution. Moreover, it would ensure through its monitoring arrangements that no more than five contributions would be used on a specific infrastructure project as required by the Community Infrastructure Levy (CIL) Regulations.
14. The proposed development would be capable of accommodating a family and I am satisfied that the contribution towards education is justified and would meet the tests set out in 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.
15. I have noted the appellant's willingness to pay the education contribution. However, there is no obligation before me and therefore no means by which such payments could be secured. Therefore, in the absence of a completed planning obligation, the proposal fails to make adequate provision towards education in the area. As such the proposal would conflict with Policies DC29 and DC72 of the DPD.

Other Matters

16. I have taken into account the concerns of neighbouring residents regarding the effect of the development on living conditions. Boundary screening would prevent overlooking from ground floor windows at the rear and, as the property would have no side facing windows or rear rooflights, I am satisfied that the development would not give rise to any undue loss of privacy.
17. However, the building would be sited in close proximity to the side of 107 Clockhouse Lane, which I note contains side facing windows. Although not a reason for refusal it seems to me that the development, which would be over 5m high to the ridge, would have an overbearing effect on the outlook from those windows. As such the living conditions of the occupier would be harmed. Although not a determinative matter in itself, this adds weight to my overall conclusion.

18. There is much speculation amongst third parties about the use of the proposed basement and loft areas and whilst I agree that there is ambiguity in the proposals I have dealt with the scheme on the basis of the submitted plans: that these are to be non-habitable rooms. There is no convincing technical evidence before me that the creation of the basement would cause any issue relating to the stability of neighbouring properties. The fact that No 111 was used for some time as a House in Multiple Occupation has no bearing on the main issues.

Conclusion

19. The proposal would provide an additional unit of residential accommodation to help meet housing need and this is a benefit of the scheme. However, this does not outweigh the harm I have found.
20. Consequently, taking into account all other matters raised, I conclude that the appeal should be dismissed.

S Ashworth

INSPECTOR