



Appeal Decision

Site visit made on 21 November 2017

by Katie McDonald MSc MRTPI

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

Decision date: 5 December 2017

Appeal Ref: APP/B5480/W/17/3180426

192 Mawney Road, Romford RM7 8BU

- 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 A Smith against the decision of the Council of the London Borough of Havering.
 - The application Ref P1929.16, dated 25 November 2016, was refused by notice dated 23 January 2017.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be;
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether the proposed development would provide acceptable living conditions for the adjacent occupants; and
 - iii) Whether the proposal makes adequate provision for any additional need for education infrastructure arising from the development.

Reasons

Character and appearance

3. Located in the rear garden of 192 Mawney Road and fronting the small cul-de-sac of Blenheim Close; the proposal is for a 2 storey, 3 bedroom, detached dwelling with a hipped, tiled roof and a mixture of brickwork and rendered walls.
4. The area has an urban, residential character located close to the A12. No 192 has a long rear garden, a common feature of the residential dwellings in this row on Mawney Road. The proposal would reduce the garden to around half its length, introducing built development into this rear garden setting.
5. Blenheim Close features two storey detached and semi-detached dwellings in a traditional plot layout with front and rear gardens. The proposal would be sited adjacent to the pavement, with a very modest strip of landscaping to the front. It would not have a front, or indeed a rear garden, having car parking and a private garden located to either side. Although this would make efficient use of the site;

given the shallow depth of the plot, the scale and positioning of the dwelling would appear cramped in this setting. Its close proximity to the street would have an intrusive effect upon the cul-de-sac, and the overall plot layout would not respond to the local patterns of development.

6. The design of the proposal is simple, and is unlike the dwellings on Blenheim Close, would be uncharacteristically wide along the road frontage. Whilst elements of the scheme take design cues from the surrounding dwellings; the fenestration would have no architectural rhythm, appearing particularly blank on the front elevation. The first floor windows also feature no gap between the headers and eaves, which would be noticeably different to other properties in the street. In general, there is a lack of detailed design features and this fails to take the opportunities available to improve the character of the area.
7. The above findings lead me to conclude that the proposal would have an adverse effect upon the character and appearance of the area, appearing incongruous and dominant in this setting. It would be in conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (2008) (DPD). This policy seeks to maintain, enhance or improve the character and appearance of the local area.

Living conditions

8. The dwelling would be located around 2m from the neighbouring rear garden at No 190. This garden is similar in shape to No 192. It also features well established landscaping. The proposal would introduce an elongated two storey development in close proximity to the boundary. Due to its nearness and height, the structure would be overbearing, leading to a sense of enclosure and dominance, adversely affecting the occupant's enjoyment of their rear garden.
9. The window serving bedroom 1 would be located in the side elevation facing No 192. The width of the car parking area to the side is fairly substantial, at around 8.5m. Even though the majority of outlook from this window would be towards the parking area and the plans indicate a boundary treatment to be erected, I find that there would still be some passive and oblique overlooking of the rear gardens of Nos 190 and 192. This would lead to some loss of privacy.
10. The proposal would introduce two storey development into the rear garden of No 192. However, due to the car parking area, location of boundaries and sufficient distance between properties, I do not find that the remaining rear garden of No 192 would be adversely affected by the mass of the proposal. Furthermore, although the change would be uncharacteristic in this setting, given the distance between, I find that the effect upon the outlook of the rear windows at No 192 and other neighbouring dwellings would be not be harmful.
11. Thus, whilst the effect upon outlook and the rear garden of No 192 would not be adverse; the effect upon No 190's garden and the overlooking from the bedroom window would cause harm. Accordingly I find that the proposal not would provide acceptable living conditions for the adjacent occupants, conflicting with Policy DC61 of the DPD, which seeks to protect neighbouring amenity.

Education provision

12. Policy DC72 of the DPD requires proposals to contribute towards infrastructure by way of a planning obligation, where appropriate tests are met. Policy DC29 of the DPD sets out that it will seek payments for the capital infrastructure of schools in

order to meet demands generated by residential development. Furthermore, Policy 8.2 of The London Plan (2016) (LP) details that development proposals should address strategic as well as local priorities in planning obligations.

13. The Planning Obligations Supplementary Planning Document (February 2013) appendices, Technical Report 1 Assessment of Infrastructure Costs (TR1) and the Technical Report 2 Viability Assessment are relevant in terms of assessing the cost of infrastructure. Additionally the Commissioning Plan for Education Provision 2015/16 - 2019/20 details that there is a shortfall of school places in early years, primary, secondary and post-16 education. The cost of mitigating the effect of a new dwelling upon education provision equates to £8,672 (as set out in the TR1). The Council has advised that they would require a contribution of £6,000.
14. I note that the Council has not identified a specific project, which is in part due to not knowing when a development will commence, but has detailed that in order to avoid pooling, the monies, once received, would be allocated together with 4 other contributions towards a specific project. I also note the recent appeal decisions that have been provided by the Council that support the principle of securing contributions towards education provision.
15. Having regard to the undisputed evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in the National Planning Policy Framework. As no obligation has been provided, the proposal would fail to secure appropriate financial contributions towards the provision of education, and so would be in conflict with Policies DC29 and DC72 of DPD and Policy 8.2 of the LP.

Other Matters

16. I have had regard to my decision at Heath Park Road¹. This site was located in an entirely different context, with the main issue being the provision of car parking. Furthermore, there were originally 2 main issues, but unlike this appeal, a Unilateral Undertaking was provided which mitigated the effect of the proposal upon education provision. Thus I find there are very limited similarities.
17. I do not have the pre-application proposal before me. Nonetheless, the advice details the shallow depth of the proposal and that it may appear cramped and out of character. It also raises some concerns in relation to living conditions. Furthermore, despite the pre-application advice, I am required to assess the appeal proposal upon its own merits.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR

¹ APP/B5480/W/17/3177701