
Appeal Decision

Site visit made on 4 December 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 18th December 2017.

Appeal Ref: APP/B5480/W/17/3179805
94 Willow Street, Romford, Essex RM7 7LB

- 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 S Johnson against the decision of the Council of the London Borough of Havering.
 - The application Ref P0253.17, dated 16 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is the demolition of existing garage to No 94 Willow Street to create a new development site. Construction of a new two-storey two-bedroom detached dwelling with off-street parking.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Some drawings appear to have been amended during the course of the planning application. I confirm that my decision is based on the same drawings as those against which the Council determined the application.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of surrounding occupiers with particular regard to light and outlook;
 - highway safety and residential amenity resulting from any additional on-street car parking; and,
 - whether it would make adequate provision for infrastructure.

Reasons

Character and appearance

4. In this section of the street scene, characterised by 2-storey houses in detached, semi-detached or terrace form, the scale, form and proportion of the proposed house would not appear out of place. While its front building line would be set further back than its adjoining neighbours, there is sufficient variation in the lines on this side of Willow Street for this not to appear out of character.
-

5. However, the house would be sited uncharacteristically close to the flank of No 94. This would give it a cramped appearance in the street scene, at odds with the distinctive spatial pattern of the detached houses in the street, which maintain more legible and substantial gaps to their side neighbours. I have taken into account the house on the opposite side of the street which stands very close to its neighbour. However, it appeared to me an isolated example in a street whose pattern of development is distinctive for the spaces retained between buildings, and which are generally far greater than this proposal.
6. For this reason, the proposed development would harm the character and appearance of the area. It would be contrary to policy DC61 of the Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) which requires development to maintain or enhance the character and appearance of the area and to respond to distinctive, local patterns of development.

Living conditions of surrounding occupiers

7. While the 2-storey outrigger of the house would project slightly less than No 94's, at such proximity it would reduce to an unacceptable degree the amount of diffuse light entering the living room and it would have an overbearing effect on the outlook from within. While the kitchen area benefits from a second window, in the back wall, which would retain access to daylight, the 2-storey outrigger would be an intrusive development in the outlook from this room. The projection of the single storey element beyond the outrigger would exacerbate the loss of outlook from No 94, with the overall effect of the development on the living conditions of its occupiers being significantly harmful.
8. Given the height of the existing fence on the boundary beside No 90, and its configuration of openings, there is no evidence that the proposal would cause a materially adverse impact on the living conditions of No 90 in terms of outlook, privacy and light. With the orientation of the plot being south-west to north-east, there would be no unacceptable loss of sunlight to the surrounding occupiers.
9. I accept that 2-storey outriggers are not uncommon in this area. However, they tend to share the party wall between adjoining houses, whereas the outrigger in this proposal would be unattached and its impact on the side neighbour proportionately greater.
10. The proposed development would conflict with DPD policy DC61 which says that planning permission will not be granted for development that results in unacceptable loss of light to existing properties. It would be at odds too with one of the core planning principles of the National Planning Policy Framework (the Framework); to secure a good standard of amenity for all existing and future occupants of land and buildings.

Parking and highway safety

11. The site has a poor level of public transport accessibility, and the Council's parking standards require 1.5 to 2 off-street spaces for the proposed dwelling, as a maximum. While it includes 2 car spaces across the front of the plot, the Council is concerned that they would be too short.

12. Though the site plan does not give a figured dimension, the depth of the set-back from the street would appear to risk parked cars overhanging the footway, with the consequential risk to pedestrians. Furthermore, with the spaces occupied, it is unclear how future occupiers or visitors would be able to reach the front door of the house.
13. No 94 would lose its existing off-street parking as a result of the development. To overcome this, the layout shows a car space in the front garden of No 94 accessed by a new dropped kerb. However, it was clear from my site visit that this would result in the loss of an on-street parking space, and is anyway impractical given the dimensions of the front garden.
14. Notwithstanding this, at the time of my site visit, which was on a weekday morning, the occupancy of the street parking was significantly less than 60% of the spaces available. I appreciate that demand is likely to be higher at the end of the working day and at weekends. However, the amount of space available does not indicate a high degree of parking stress or overload in the locality. A lack of off-street parking for No 94 would not harm the amenity of surrounding occupiers and does not therefore count against the proposal.
15. Notwithstanding this, the parking arrangement for the new house would be impractical and would prejudice the safety of pedestrians. In this respect, the proposal would be at odds with DPD policy DC33 which sets the parking standards for the borough.

Infrastructure provision

16. The Council's evidence describes a shortage of school places in the borough in which context it seeks a contribution to meet the additional demand arising from new housing like this, which could be occupied by a family and thereby increase the demand for school places.
17. While the Council has not identified a particular project, it confirms that the contribution would be directed to a specific school expansion or new-build, and on-going monitoring would ensure that the restriction on pooling under the Community Infrastructure Levy (CIL) Regulations 2010 would not be breached. I therefore conclude that the need for a planning obligation would meet the tests set out in paragraph 204 of the Framework and the provisions of the CIL Regulations. Although the appellant has indicated his willingness to make the contribution sought by the Council, there is no legal agreement before me. I am therefore unable to be certain that the contribution would be secured.
18. Accordingly, I conclude that the proposal would not make adequate provision for infrastructure. It would be in conflict with DPD policy DC29 which requires residential developments to contribute to the capital infrastructure of schools for which they create a demand, and DCP policy DC72, which requires developer contributions to be sought and secured through planning obligations where set out in other plan policies. It would also conflict with policy 8.2 of the London Plan 2016 which says that development should address strategic as well as local priorities in planning obligations. It would be at odds too with one of the core planning principles of the Framework; that planning should support local strategies to deliver sufficient community and cultural facilities and services to meet local needs.

Other Matters

19. I have taken into account that a street lighting column may need repositioning to accommodate the development, however there is no evidence that it could not be relocated close-by. This does not change my conclusion above.

Conclusion

20. The proposed development would provide an additional house which weighs in its favour. However, this would not outweigh the harm which it would cause to the character and appearance of the area and to the living conditions of the occupiers of 94 Willow Street as well as its effect on highway safety and its lack of provision for infrastructure. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR