The Planning Inspectorate

Appeal Decision

Site visit made on 21 August 2018

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2018

Appeal Ref: APP/B5480/W/18/3200843
Land adjacent to Estralita, Broxhill Road, Havering-atte-Bower, Romford RM4 1QJ

- 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 P McElrea against the decision of the Council of the London Borough of Havering.
- The application Ref P1788.17, dated 1 November 2017, was refused by notice dated 2 February 2018.
- The development proposed is the construction of a detached residential dwelling and carport, together with associated access, parking and landscaping.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached residential dwelling and carport, together with associated access, parking and landscaping at land adjacent to Estralita, Broxhill Road, Havering-atte-Bower, Romford RM4 1QJ in accordance with the terms of the application, Ref P1788.17, dated 1 November 2017, subject to the conditions in the attached Schedule.

Procedural Matter

2. Since the date of the Council's decision the National Planning Policy Framework 2018 (the Framework) has been published. Both parties have been invited to comment on the new Framework.

Main Issues

3. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
    - The effect of the development on the character and appearance of the area; and
    - Whether, if necessary, the proposal makes adequate provision towards educational infrastructure in the borough.

Reasons

Inappropriate Development

4. The appeal site currently forms part of the front garden and driveway for the existing dwelling, Willow Mead. The site is located within the Metropolitan Green Belt. Paragraphs 145 and 146 of the Framework establish that within Green Belts the construction of new buildings is inappropriate, subject to a number of exceptions. These exceptions include limited infilling in villages (paragraph 145 e). Policy DC45 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (Core Strategy) identifies that new buildings in the Green Belt will only be granted if they involve limited infilling or redevelopment on a site designated as a Major Developed Site in accordance with DC46. In addition, Policy 7.16 of The London Plan (2016) aims to give Green Belts the strongest protection.

5. The main village of Havering-atte-Bower is located to the west of the appeal site and is detached by an area of open fields. The appeal site itself is located within a smaller cluster of dwellings and commercial premises. The character of this part of Havering-atte-Bower is one of dwellings located on large plots with few gaps between the residential curtilages. The dwellings are largely set side by side and although some are on spacious and substantial plots, many are enclosed by walls and fencing and partially screened by substantial areas of landscaping.

6. Although this cluster of properties is separated from the main village by open land, the site nevertheless has the characteristics of a village location as a result of the number of existing properties, their proximity to one another, the presence of the commercial sites and the existing boundary treatments and landscaping to the front of the sites. All of these attributes serve to provide a cohesive character which gives the feel of a village location. Despite the separation and the lack of services and facilities in this part of Broxhill Road, in my opinion, the appeal site is in a location that has the characteristics of being part of the village of Havering-atte-Bower. Accordingly, the provision of one dwelling would be limited and would sit within the confines of existing residential development and therefore it represents limited infilling within a village.

7. Whilst it has not been identified that the site forms part of a Major Developed Site for the purposes of Policy DC45, the Framework requires no such designations to be taken into account. I find therefore that Policy DC45 is not wholly consistent with the requirements of the Framework in this regard and accordingly, the proposed development meets the requirements of paragraph 145 of the Framework and is therefore not inappropriate. As the proposal is not inappropriate it is not necessary for me to consider the question of very special circumstances in accordance with paragraph 144 of the Framework. The proposal also complies with Policy 7.16 of the London Plan.

Character and Appearance

8. The appeal site forms part of the front garden of Willow Mead. The immediate surroundings are characterised by dwellings of varied designs and scales, including two-storey and single-storey properties. The existing dwellings are mainly set facing the road with areas of front garden and then larger rear

gardens. The exception to this is the host property, Willow Mead, which is set far back into the site leaving an expanse of front garden.

9. The introduction of the proposed two-storey dwelling would respect the existing predominant form and character of the dwellings set facing Broxhill Road. It would have two access points and a driveway and garden to the front of the property, with rear garden land also. The Council have stated that the site has a confined nature which tapers to a pinch point which would be out of character with the verdant and spacious rear gardens and spacious plots.

10. I find that the proposed dwelling and the layout of the site would reflect the existing character of reasonably sized properties on ample plots and that more than sufficient space would be retained for both the host and proposed properties in terms of private garden space. Furthermore, the design of the dwelling would not be out of character given the varied designs of the existing dwellings found in the immediate surroundings.

11. Accordingly, I find that the site could easily accommodate both properties and that the proposed dwelling would not be out of keeping with or be harmful to the character and appearance of the area. The proposal therefore complies with Policy DC61 of the Core Strategy. This policy seeks to support development which maintains, enhances or improves the character and appearance of the local area.

Infrastructure Provision

12. The Council have advised that financial contributions would be required towards the provision of education facilities, consisting of either additional classrooms for existing schools or new schools. However, this is disputed as being neither reasonable nor necessary by the Appellant and accordingly no planning obligation has been provided.

13. Policies DC29 and DC72 of the Core Strategy and the Planning Obligations Supplementary Planning Document (SPD) (2013) indicates that contributions will be sought to mitigate the effects that new development may have on the provision of local educational facilities. The Technical Appendices to the SPD indicate a lack of capacity in the Borough to accommodate the demand for school places.

14. However, whilst the Technical Appendices to the SPD identify a shortfall in education provision this document is now around 5 years old and I have no evidence before me to suggest that this has been reviewed or updated. I have had regard to the Commissioning Plan for Education Provision 2015 – 2016 – 2019 - 2020, however it is not clear if this has fed into the SPD to review or update the appendices. In addition, the Commissioning Plan identifies the need for education provision but I have not been provided with any justification or link between this and the appeal site and which schools the appeal site would relate to.

15. Furthermore, I have had regard to the level of development proposed, being one additional dwelling, and I have no evidence that this particular development would adversely impact on the provision of educational facilities or the effect that the proposal might be likely to have on them. Nor have any detailed or specific projects been identified to show how and where the contributions would be spent. I understand the Council's stance that as they do

not know when the contributions would be provided they do not identify a particular need however, without this, I cannot be certain that the contributions sought would be necessary to make the development acceptable or that they would be directly related to the development and fairly and reasonably related in scale and kind.

16. I have had regard to the Appeal decisions provided by the Council where the education contributions have been supported, however I do not know the full circumstances behind these and therefore they do not alter my findings in this instance.

17. Consequently, and notwithstanding the aims of the development plan policies, I am unable to conclude that a planning obligation seeking to provide financial contributions towards education would comply with Regulations 122 of the Community Infrastructure Levy Regulations 2010 or paragraph 56 of the Framework. Accordingly, the absence of a planning obligation does not weigh against the development in this instance.

Conditions

18. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The Council have requested a number of conditions which I have considered against the Planning Practice Guidance and omitted or amended where necessary.

19. Conditions for details of the materials, boundary treatments, cycle storage provision and refuse and recycling provision are necessary in the interests of the visual character of the area. Construction management plan and hours of working conditions are necessary in the interests of living conditions of neighbouring occupiers.

20. Permitted development rights should only be removed in exceptional circumstances. No such circumstances have been identified to justify this condition therefore I have not imposed it. I have not imposed a condition relating to sound insulation as I have been provided with limited justification as to why this would be necessary for one dwelling. I have not imposed conditions relating to building access or water efficiency as these are covered under alternative legislation and as such are not necessary.

21. Condition 8 is required to be pre-commencement as it is fundamental to have these details agreed prior to any works commencing on site.

Conclusion

22. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number s WM/17/01; WM/17/02; WM/17/03A; WM/17/04A and WM/17/05.

3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

4) No development above ground level shall take place until details of all proposed walls, fences and boundary treatments are submitted to, and approved in writing by, the local planning authority. The boundary treatments shall be carried out in accordance with the approved details and thereafter retained to the satisfaction of the local planning authority.

5) Prior to the first occupation of the development hereby permitted cycle storage shall be provided in accordance with details to be submitted to and approved in writing by the local panning authority. The cycle storage shall be permanently retained thereafter.

6) Prior to the first occupation of the development hereby permitted refuse and recycling facilities shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority. The refuse and recycling facilities shall be permanently retained thereafter.

7) Demolition, construction works and deliveries shall take place only between 0800 to 1800 hours on Monday to Friday, 0800 to 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

   i) the parking of vehicles of site operatives and visitors;
   ii) loading and unloading of plant and materials;
   iii) storage of plant and materials used in constructing the development;
   iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing and a visible contact number for queries or emergencies, where appropriate;
   v) measures to control the emission of dust and dirt during construction;
   vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
   vii) measures to monitor and control the emission of noise during construction;
   viii) siting and design of any temporary buildings.

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.