

Appeal Decision

Site visit made on 8 July 2019

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 18 July 2019

Appeal Ref: APP/B5480/W/19/3225762

1 Daventry Green, Romford, RM3 7QH

- 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 Elliott Markwell against the decision of The Council of the London Borough of Havering.
 - The application Ref P1549.18, dated 6 October 2018, was refused by notice dated 27 December 2018.
 - The development proposed is the construction of a two storey 2-bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two storey 2-bedroom house at 1 Daventry Green, Romford, RM3 7QH in accordance with the terms of the application Ref P1549.18, dated 6 October 2018, subject to the conditions set out in the attached schedule.

Main issues

2. The main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) whether the proposed development would provide satisfactory living conditions for existing and future occupiers;
 - c) whether the proposed development makes appropriate provision for infrastructure, with particular regard to school places.

Reasons

Character and appearance

3. The proposed house would continue the row of housing at 1-8 Daventry Green, with a front building line and ridge line set back from the adjoining houses. There is a very spacious and open character in the locality which is caused by the bend in Daventry Road, the long front gardens to the Daventry Green properties, and the large side garden and open area adjoining 1 Daventry Green.
 4. The scale, siting and design of the new house would sit comfortably within this setting: there would not be any material effect on the spacious character of the area due to that current very open appearance. The new vehicular crossing and parking area would adjoin existing driveways and so would not be intrusive.
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5. The width of the proposed house is greater than No. 1, but the new property would be seen in the context of the longer row of Daventry Green houses and the open space around it, and thus there would not be any discordancy or undue prominence arising from the new house. Similarly, the coverage of the plot and depth of the house would relate appropriately to the depth and size of other houses seen in the vicinity of this part of Daventry Green and Daventry Road. The design of the house responds well to the detailing of the adjoining properties, so would sit comfortably in the streetscene.
6. The proposed development would therefore relate to the character and appearance of the area, and so be consistent with the objectives of Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (CSDCP) 2008, the Residential Extensions and Alterations Supplementary Planning Document (SPD) 2011, and Policies 7.4 and 7.6 of the London Plan 2016, the general objective of which is to seek a high quality of design in new development that maintains, enhances or improves the local area.

Living conditions

7. The siting and scale of the proposed house would provide a garden that is wrapped around the rear and side of the house, all of which would be enclosed and private. There is a short depth to this area, but from my observations at the site visit I am satisfied this area would be of sufficient size and layout to provide a usable area that would be adequate for the amenities of the future occupants. Similarly, the garden retained to 1 Daventry Green would be sufficient for those existing residents.
8. I could appreciate from my site visit, and from the information submitted to me, that garden areas vary in the vicinity, with some properties having small rear garden areas only. This reinforces my findings that the garden area proposed in this appeal is both consistent with the surrounding area and would provide for adequate living conditions.
9. On the second main issue it is therefore concluded that the proposed development would provide satisfactory living conditions and so comply with the requirements of Policy DC61 of the CSDCP, the SPD and Policy 3.5 of the London Plan, which seek to ensure the protection of living conditions for existing and future residents.

Infrastructure provision

10. The Council's third reason for refusal related to the absence of a planning obligation to make provision for contributions towards the demand for school places arising from the development. These objectives are supported by Policies DC29 and DC72 of the CSDCP, with detail contained in the Council's adopted Developer Contributions Supplementary Planning Document (SPD) (April 2013).
11. The SPD pre-dates the restriction on pooling of contributions set out in amendments to the Community Infrastructure Levy (CIL) Regulations 2010, but the Council has provided evidence that demonstrates the additional demands on local education infrastructure likely to arise from new housing development in the Borough. As a consequence, they seek £6,000 to mitigate

the impact of development arising from the proposed 2 bedroom house. Whilst the Council has not identified a particular project, they have stated the contribution would address a shortage of primary and secondary school places in the borough as evidenced in their Education Commissioning Plan. The Council would monitor contributions to ensure that no more than five contributions would be pooled towards individual projects.

12. On the basis of the evidence before me I am satisfied the requirement for a planning obligation would meet the tests set out in paragraph 56 of the National Planning Policy Framework and the statutory tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This is a conclusion consistent with appeals to which the Council have referred¹.
13. The requirement for a contribution on this matter is not disputed by the appellant, who has submitted a completed obligation. That would secure the necessary contribution, and hence I conclude that the proposed development would make adequate provision for infrastructure, and so be consistent with Policies DC29 and DC72 of the CSDCP and Policy 8.2 of the London Plan.

Conclusions and conditions

14. The proposed development would make the more effective use of land for housing, and would not conflict with the relevant policies of the development plan. Planning permission is therefore granted.
15. The Council have suggested a number of conditions in the event of the appeal being allowed. I have attached those requiring the submission of details for materials used in the building and the boundaries, to ensure a satisfactory appearance and as on these matters there is insufficient information on the application form. Similarly, further details are required relating to cycle storage and bin storage to ensure satisfactory appearance and the retention of these facilities.
16. Due to the relatively small size of the site and the clarity of the plans showing the layout of the site I see no need for a full landscaping scheme as suggested. The site is generally level, with the new house just continuing from the attached property, so there is no need for a condition requiring a further levels survey. The construction project appears relatively minor and straightforward, hence no conditions relating to construction method statement, hours of construction or vehicle cleansing are necessary; the Council have not provided any convincing reason why other legislation that protects highway safety or residential amenity cannot deal with such matters.
17. There are conditions that relate to air quality and noise, with no reference made to any development plan policy or supplementary guidance. I see no evidence that the appeal site is in an area of particular air quality problem or noise intrusion, and hence consider it not reasonable to attach such conditions to this grant of planning permission. Conditions are suggested that refer to the Building Regulations and to drainage, but as I am not aware of a specific need why the planning conditions attached to this permission should refer to these matters that are concerning other legislation I have not attached these.

¹ Including APP/B5480/W/16/3160652, APP/B5480/W/16/3164262 and APP/B5480/W/16/3165731. APP/B5480/W/18/3195571, APP/B5480/W/18/3196765

18. A condition is suggested removing permitted development rights for a window on the flank elevation, with reference to ensuring privacy is retained. However, that flank elevation looks over the front driveway of the adjoining house and the street of Daventry Road itself, so I cannot see there would be any loss of privacy if a future occupier chose to insert a window. Hence, the condition is not necessary.
19. A further condition seeks to remove wide-ranging permitted development rights for extensions, alterations and outbuildings. The Government states² that conditions restricting the future use of permitted development rights rarely pass the test of necessity and should only be used in exceptional circumstances; blanket removal of freedoms to carry out small scale domestic alterations are unlikely to meet the tests of reasonableness and necessity. The Council's generalised statement of this being in the interests of amenity does not meet that exceptional circumstance test.
20. Finally, a condition has been attached setting out the approved drawings in the interests of precision and certainty.

C J Leigh

INSPECTOR

² Planning Practice Guidance: Use of Planning Conditions

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No above ground development shall take place in relation to any of the development hereby approved until samples of all materials to be used in the external construction of the building are submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
- 3) Prior to first occupation of the dwelling hereby permitted refuse and recycling facilities are to be provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.
- 4) Prior to first occupation of the dwelling hereby permitted cycle storage is to be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be permanently retained thereafter.
- 5) The proposed new dwelling shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: 01A, 02, 03A, 04A & 05A.