

Appeal Decision

Site visit made on 8 August 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 20th September 2019

Appeal Ref: APP/B5480/W/19/3230483

144 Corbets Tey Road, Upminster RM14 2ED

- 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 Terry Daly (Shapeup Investments Limited) against the decision of the Council of the London Borough of Havering.
 - The application Ref P0147.19, dated 29 January 2019, was refused by notice dated 17 May 2019.
 - The development proposed is partial demolition of existing bungalow and extensions and to form 2 new semi-detached dwellings by subdividing the dwelling approved under P1554.15.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While the Council's Decision Notice refers to the effects of the development on the living conditions of future occupiers of the dwellings and of neighbouring occupiers, neither its officer report or appeal submissions raised any grounds or evidence for refusing the application on that basis. Accordingly, and as there is nothing in the appeal papers before me to otherwise conclude that there would be harm to living conditions, I have not dealt with it as a main issue.

Main Issues

3. The main issues in this appeal are:
 - the effects of the proposed development on the character and appearance of the area; and
 - whether the proposal makes adequate provision for any additional need for school places arising from the development.

Reasons

Character and appearance

4. The appeal site is on the corner of Little Gaynes Lane and Corbets Tey Road and currently occupied by a single bungalow located reasonably centrally within the plot. The position of the site at the junction makes built-form upon it clearly visible for some distance along both streets.
5. The area is largely characterised by 2-storey hipped roof semi-detached and detached houses of 'Mock Tudor' style which display features such as

timber-cladding, large bay windows and roof dormers. While I note the Inspector's comments in the appeal for planning application P0996.17, the bungalow is not in keeping with the prevailing built-form due to scale, roof lines and absence of 'Mock Tudor' features. In any respect, permission has been given under P1554.15 (the permitted scheme) for part-demolition of the bungalow to create a house and construction of a new detached dwelling. I give significant weight to the existence of that permission, and to the finding of the Inspector in the above appeal that the layout of the permitted scheme retains openness on the Corbets Tey Road frontage and corner location.

6. The appeal proposal seeks to form 2 new semi-detached dwellings of similar design to the house approved under P1554.15. The proposed dwellings would be of the same footprint, elevational style and a similar floor plan to the approved design. The building would be of 'Mock Tudor' design with tiled hipped roofs and front facing dormers similar to the property opposite and would in my judgement be more in character with the streetscene than the existing bungalow.
7. I acknowledge that the front door of Unit 1 would be close to its ground floor bay window and that the canopy roof above the front entrance of Unit 2 would not be similar to the design of close properties. However, the appellant has submitted photographs of similar features locally and I place significant weight on that evidence. In any respect, I do not find that these modest differences with close neighbours on the streetscene would cause harm or would diminish the overall improvements to character and appearance that the design of the proposal would create relative to the bungalow.
8. The Council has raised concerns that a large proportion of the front and side garden of the dwellings would comprise of hardstanding, since nearby properties have fairly generous front gardens which contribute to the openness of the street scene. However, I note that the area of hardstanding is less than that approved under P1401.18. Notwithstanding the subdivision and shape of the new gardens, both dwellings would possess wide frontages at the corner junction. There would be a significant area of the front amenity space laid to grass which would complement the adjacent large grass verge, and existing trees and shrubs are to be retained. Further, the building would broadly match the set back from Corbets Tey Road of the bungalow and would have a footprint which was slightly less. These features would preserve the open character of the junction.
9. Taking all into account, the proposal would not appear as cramped and would not be harmful to the open and spacious character of the streetscene. Further, I find that the proposal would provide a development which is more in character with the prevailing pattern of development in the streetscene than the existing bungalow. Therefore, the proposed development would not conflict with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) (2008).

Provision for school places

10. The net gain of one dwelling would place additional demand on school places. I place substantial weight on the evidence put forward by the Council, and on previous Inspectors' decisions accepting that evidence, that there are a shortage of school places locally and that the development of an extra dwelling would create an impact on educational infrastructure which needs to be

mitigated by a financial contribution of £6000, secured by Planning Obligation (PO), as a reasonable contribution towards infrastructure costs as detailed within the Council's Supplementary Planning Document on POs.

11. I am satisfied that a PO securing this mitigation would be necessary to make the development acceptable in planning terms, would be directly related to the development, and fairly and reasonably related in scale and kind to the development.
12. While the appellant has indicated that they would be willing make the above contribution, the PO that has been submitted is incomplete. No evidence of title has been provided. The PO refers to a bank being the proprietor of a charge over the land, but the bank has not been entered as a party into the PO. Accordingly, the PO carries no weight and I find that adequate provision is not secured to meet additional need for school places arising from the development. This is in conflict with Policies DC29 and DC72 of the DPD and Policy 8.2 of the London Plan¹.

Conclusion

13. The proposed development would not accord with the development plan as a whole and this conflict is not outweighed by other considerations. Accordingly, the appeal should not succeed.

Andrew Walker

INSPECTOR

¹ The London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (March 2016)