



Appeal Decision

Site visits made on 29 July 2019 and 7 October 2019

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Appeal Ref: APP/B5480/W/19/3224348

32 Upper Rainham Road, Hornchurch RM12 4BZ

- 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 Singh against the decision of the Council of the London Borough of Havering.
 - The application Ref P1822.17, dated 13 October 2017, was refused by notice dated 10 September 2018.
 - The development proposed is the demolition of 34 Upper Rainham Road to create a through road and develop rear gardens of 26-36 into 12 self-contained units with parking and amenity.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, the effects of the proposed development on the character and appearance of the area; secondly, the effects of the proposed development on the living conditions of the occupants of neighbouring properties particularly in terms of noise, disturbance, outlook and privacy; thirdly, whether the proposed development would make acceptable contributions toward the provision of affordable housing and infrastructure; and fourthly, the effects of the proposed development on highway safety, including whether it would make acceptable arrangements for bicycle and car parking.

Reasons

Site, surroundings and proposed development

3. Situated in broadly residential environs the appeal site comprises substantial portions of the gardens to the rear of several semi-detached dwellings (26 to 36 Upper Rainham Road), and the site of 34 Rainham Road. The consistent footprint and two-storey scale of the Upper Rainham Road-facing dwellings, taken together with their deep, on the whole well-vegetated, rear plots lead to a relatively spacious development pattern of marked regularity. This development pattern is further emphasised by the plotting and scale of the dwellings that the Upper Rainham Road properties back onto.
4. The appeal scheme would entail the demolition of 34 Upper Rainham Road to facilitate vehicular access to the rear of the site where two L-shaped buildings

of two storeys, with accommodation in the roof, containing 12 apartments would be constructed. Parking space would be provided for 12 cars.

Character and appearance

5. I saw at my site visit that the rear plots of Upper Rainham Road, and those of the properties to the rear are on the whole well-vegetated. Whilst structures are present within rear gardens, these are of an ancillary nature and are limited in terms of their scale and site coverage. Moreover, the dwellings and plots in the surroundings of the site have a markedly regular development pattern.
6. Taken together, the appeal scheme's introduction of two large buildings, the considerable proportion of the appeal site that would be given over to car parking and access, and its irregular and constrained amenity spaces would impart a cramped and congested appearance to the plot. Consequently, in these terms the proposed development would be a strong and disagreeable contrast to the character and appearance of its surroundings. Moreover, the deep setback of the proposed buildings and consequent lack of direct relationship with Upper Rainham Road would further emphasise the discordance of the proposal in the context of the surrounding street-facing development pattern. Whilst the appellant asserts that the proposed elevations, roof shape and facing materials would be in keeping with the area, these aspects would not overcome the appeal scheme's discordant relationship to the development pattern of its surroundings.
7. Consequently, for these reasons the proposed development would cause clear and considerable harm to the character and appearance of the area. In these respects, the appeal scheme would conflict with Policies DC3 and DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (adopted 2008) (the Core Strategy and DC Policies); and would not accord with Havering's Residential Design Supplementary Planning Document (adopted 2010) (the SPD). Taken together, and amongst other things, the policies and guidance require housing developments to maintain, enhance or improve the character and appearance of the local area.

Living conditions

8. Due to their depth taken together with the deep plots of the dwellings to their rear, the back gardens of the Upper Rainham Road properties to which the appeal proposal would relate offer a relatively quiet environment providing a welcome contrast to the traffic noise audible to the front of those dwellings. The proposed development's access and parking arrangements would lead to an intensity of vehicle movement otherwise lacking from this relatively quiet space, in close proximity particularly to the boundaries of Nos 28, 30, 32 and 36. As a result, the noise associated with this vehicular activity both related to manoeuvring and to the opening and closing of doors would be intrusive within neighbouring gardens and would cause disturbance. For these reasons, the proposed development would cause material harm to the living conditions of the occupants of those neighbouring properties.
9. The proposed buildings would be offset from the boundaries with adjacent properties, and the separation achieved would mean that they would not materially restrict or enclose the outlook available from neighbouring dwellings and gardens. Consequently, the proposed development would not cause any

material harm in this regard. Whilst the Council's Decision Notice on the application that led to this appeal refers only to the outlook and noise and disturbance effects of the proposed development, I am mindful that responses of interested parties also raise the potential effects of the proposal on privacy. The proposed development would introduce windows at the first floor and roof level, which, particularly at the foremost projection of the blocks would offer views of the rear windows and gardens of the facing Upper Rainham Road properties. Nevertheless, I am mindful of the landscaping proposals put forward to screen inter-visibility between the plots, which could be subject to a planning condition should permission be forthcoming. Consequently, I consider that no material harm would occur as a result of the proposed development on this basis. However, an absence of harm in terms of outlook and privacy does not overcome the other harmful living conditions effects that the proposed development would cause.

10. For these reasons, I conclude on this main issue that the proposed development would cause material harm to the living conditions of the occupants of neighbouring properties in terms of noise and disturbance. In these terms the proposed development would conflict with Policy 3.5 of the London Plan: The Spatial Development Strategy for London-Consolidated with alterations since 2011 (adopted March 2016) (the London Plan); and the SPD. Taken together, and amongst other matters, the policy and guidance seek to ensure that housing developments protect and enhance London's residential environment and attractiveness as a place to live.

Affordable housing and infrastructure

11. Although the appellant asserts that the aim of the proposed development is to provide affordable homes for first time buyers and young professionals, I have been supplied with no legally enforceable mechanism, such as a planning obligation, that would secure this aim. Neither has a planning obligation been provided which would secure a contribution towards the provision of affordable housing, as required by Policy DC6 of the Core Strategy and DC Policies. Moreover, Policy DC72 of the Core Strategy and DC Policies requires housing developments to make contributions toward the provision of education infrastructure. The appellant has not presented any material either to contest these requirements or to demonstrate that such contributions would be financially unviable.
12. The provision of affordable housing through planning contributions is an integral part of both local and national planning policy. Furthermore, the other contributions sought are necessary to meet the needs of the future occupants of the proposed development, particularly in terms of its two-bedroom units. Consequently, I consider the contributions would be necessary to make the development acceptable in planning terms; and given the nature and scale of the development they are directly related to it. Furthermore, the opportunity to negotiate the level of any requirements through the submission of viability evidence ensures that contributions would be fairly and reasonably related in scale and kind. For these reasons, I consider that planning obligations sought by the Council in this case would meet the three tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
13. Accordingly, the lack of planning obligations in this case leads me to the conclusion on this main issue that the proposed development would fail to

make acceptable contributions toward the provision of affordable housing and infrastructure, and would therefore conflict with Policies DC6 and DC72 of the Core Strategy and DC Policies insofar as, taken together, and amongst other things, they seek to ensure that proposals are in line with the principles of sustainable development; that educational demands generated by residential development are met; and that reasonable affordable housing contributions are secured.

Parking and highway safety

14. The area in front of the proposed access for the appeal scheme is currently used for parking and access in association with No 34. Whilst the current parking area associated with No 34 could accommodate far fewer vehicles than that mooted by the appeal scheme, the limited space available on it means that cars which currently park there are unable to turn on site and thus would have to use the reverse gear either to access or egress Upper Rainham Road. In contrast vehicles using the proposed parking arrangement would be able to emerge in forward gear. Moreover, although the access to the parking space would be relatively narrow it would afford a clear view along its length, and in all likelihood, drivers intending to emerge from the proposed access would if necessary reverse back into the site to allow vehicles accessing from Upper Rainham Road to enter. Consequently, although there would be an increase in vehicle movements when compared to the existing situation, subject to conditions suggested by the Council in respect of securing adequate visibility splays, this aspect of the proposal would not cause any material harm in highway safety terms.
15. The proposed development would supply one car parking space per dwelling. Although this is at the lower end of the 1 to 1.5 parking spaces per house suggested by Policy DC33 of the Core Strategy and DC Policies only two of the proposed dwellings would have two bedrooms with the rest comprising one-bedroom units. Moreover, I note that both Policy DC33 of the Core Strategy and DC Policies and Policy 6.13 of the London Plan refer to the parking provision figures as maxima rather than minimum requirements. Furthermore, Policy 6.13 states that more generous standards for residential development in outer London boroughs, such as Havering, should be considered in areas of low public transport accessibility (generally PTALs 0-1)- which is not pertinent to the appeal site which, according to the Council's Officer Report, has a PTAL rating of 2. In addition, even if the higher 1.5 parking space per house figure were to be applied to the two-bedroom units the slight undersupply in terms of space would not lead to any undue pressure for additional parking in the appeal site's surroundings. Consequently, the proposed car parking arrangements would be adequate and would not lead to any adverse highway safety effects.
16. I readily accept that the measures for bicycle storage in the proposal as presented do not meet the relevant requirements of the development plan. Nevertheless, I consider that this matter could be dealt with by a suitably worded condition along the lines of that supplied by the Council in its appeal statement. Consequently, this is a matter that does not weigh against the proposal in the overall planning balance.
17. Accordingly, I conclude on this main issue that, subject to appropriately worded conditions, the appeal scheme would cause no material harm in terms of highway safety and would make acceptable arrangements for bicycle and car

parking. For these reasons, I can find no conflict with Policies DC32, DC33, DC34 and DC35 of the Core Strategy and DC Policies; or Policy 6.13 of the London Plan. Taken together and amongst other things, these policies seek to ensure that adverse impacts to the functioning of the road hierarchy are avoided; that acceptable arrangements are in place for car parking; and that safe and secure cycle parking is provided in new developments.

Other Matters

18. The appellant considers the appeal site to be in an accessible location due to its proximity to A roads, bus routes and local facilities such as supermarkets. However, similar things could be said about many urban sites, and consequently, this is a matter that weighs in favour of the appeal scheme only to a modest degree.
19. I also note the appellant's view that the proposed development would meet national and RIBA standards in terms of the provision of internal space. However, merely meeting minimum requirements in these regards is not a positive aspect of the scheme and therefore has only a neutral effect on the overall planning balance.
20. The appellant asserts that the proposed development would not cause any harmful shading impacts. Be that as it may, this would not be a positive benefit of the appeal scheme and thus would weigh neither for nor against it.

Planning Balance and Conclusion

21. Subject to the imposition of appropriate planning conditions I have found that the parking and highway safety aspects of the proposal would not lead to any material harm. Nevertheless, the absence of harm in these regards is not a positive benefit of the scheme and thus weighs neither in favour of nor against the proposed development. Moreover, the other matters advanced in favour of the appeal scheme do not outweigh the harmful effects and development plan conflicts that I have described. Consequently, no material considerations justify a decision other than in accordance with the development plan, with which, in terms of the above-referenced policies the appeal scheme would clearly conflict.
22. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR