



Appeal Decision

Site visit made on 3 February 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/B5480/W/19/3238738

247 Cross Road, Mawneys, Romford RM7 8HS

- 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 Duane Shorey against the decision of the Council of the London Borough of Havering.
 - The application Ref P0798.19, dated 18 May 2018, was refused by notice dated 4 September 2019.
 - The development proposed is a new 2-bedroom two storey house.
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Decision

1. The appeal is allowed and planning permission is granted for a new 2-bedroom two storey house at 247 Cross Road, Mawneys, Romford RM7 8HS in accordance with the terms of the application, Ref P0798.19, dated 18 May 2018, subject to the following 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 plan: 19/05/PL1.
 - 3) All new external finishes shall be carried out in materials to match those of the existing building.
 - 4) The proposed new dwelling shall not be occupied until details of all fences and boundary treatments have been 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 retained permanently thereafter.
 - 5) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, including roof extensions, shall take place and no outbuildings shall be erected within the rear garden area.

Preliminary Matters

2. On 13 February 2020 the Government published the 2019 Housing Delivery Test (HDT) results, which take effect from 14 February. The HDT results show that the London Borough of Havering has delivered just 33% of its housing requirement over the latest 3-year period, 1,167 dwellings. Consequently, the

presumption in favour of sustainable development contained in the Framework would be engaged¹.

3. I put the publication of the HDT results to the main parties and sought their views on them, in relation to this appeal and I have had regard to the responses received.

Main Issues

4. The main issues are the effect of the proposal on
 - The character and appearance of the area
 - Housing delivery.

Reasons

Character and appearance

5. The appeal site is located in a residential area at the junction of Cross Road and Peartree Gardens, containing a mix of housing types.
6. The proposed development would entail the sub-division of the curtilage of No 247, a 2-storey, end-of-terrace dwelling, and the erection of a new 2-storey dwelling on currently vacant land, to the side of the existing dwelling.
7. The side elevation of the proposed dwelling would extend almost to the footway on Peartree Gardens and would effectively extend the terrace, with a common building line and eaves height to the front, and with a common roof ridgeline. A 2-storey gable-ended outrigger would be constructed to the rear, which would have a lower ridgeline than the main dwelling, and common eaves; the outrigger would extend slightly beyond the main rear building line of the terrace.
8. The new dwelling would include small front and rear gardens, similar to other dwellings in the area. The rear garden would provide gated entry to the existing rear garage's access onto Peartree Gardens. Both the garage and accessway are included in the appeal site and would become part of the curtilage of the new dwelling, separate from No 247.
9. On the opposite side of Peartree Gardens is 249 Cross Road, a 2-storey, semi-detached dwelling of a similar height and massing to No 247, and where a 2-storey side extension has been constructed. The side extension is visually subservient to the main dwelling, with a lower roof ridgeline, and with the first floor set back a short distance from the front building line. To the rear is a 2-storey gable-ended outrigger extension extending across roughly half the width of the dwelling; its roof ridgeline is lower than the main roof ridgeline. The side elevation of the extension is set back around 1.0 metre from the footway on Peartree Gardens.
10. In views from Cross Road, the proposed dwelling would provide some visual balance to the existing side extension at No 249, at the entrance to Peartree Gardens, in contrast to the open and largely unused space to the side of No 247 at present.

¹ Footnote 7 and paragraph 215 b) of the Framework

11. I note the Council's comments regarding the open and spacious character of and appearance of the area, and that it is not adversely affected by the extension at No 249. The proposed development, whilst somewhat larger than the extension, and occupying previously vacant land, would have a similar effect on the openness of the area as the existing extension.
12. Peartree Gardens is a two lane road with footpaths on either side, and with a grassed alleyway to the rear of the appeal site on both sides of the road. Neither Peartree Gardens or the alleyway would be altered by the proposed development.
13. Furthermore, whilst it is appropriate for the extension to No 249 to be visually subservient to the host dwelling, such an arrangement for a new and separate dwelling would look incongruous and would detract from the character and appearance of the terrace to which it would be joined.
14. The proposed dwelling would be slightly narrower than the other properties in the terrace, with a 2-storey rear outrigger, and with some differences in fenestration. However, in views from Cross Road and Peartree Gardens, these differences would not be significant. Overall, the design, height and massing of the proposed development would appear neither cramped nor dominant and would not be out of keeping with the mixed streetscene.
15. For these reasons the proposed development would have an acceptable impact on the character and appearance of the area. It would, therefore, accord with Policy DC61 (urban design) of the Havering Core Strategy and Development Control Policies Development Plan Document 2008 (HCSDCPPDPD).

Housing Delivery

16. The 2019 HDT results show that the Council has substantially under-delivered against its housing requirement over the latest 3-year period². Consequently, the presumption in favour of sustainable development contained in the Framework is engaged³.
17. The delivery of a single dwelling in an area that has experienced a substantial under-delivery of homes in recent years, carries only limited weight. Nevertheless, it would be beneficial to housing delivery in the area.
18. The proposed development is supported by Policies CP1 (housing supply), CP17 (design), DC2 (housing mix and density), DC3 (housing design and layout), DC33 (car parking), and DC61 of the HCSDCPPDPD; and, Policies 3.3 (increasing housing supply), 3.4 (optimising housing potential), 3.5 (quality and design of housing developments), 6.13 (parking) and 7.4 (local character) of the London Plan 2016⁴ (LP). These policies are generally consistent with the Framework, and I therefore give this support weight and I am satisfied that the proposed development would accord with the development plan as a whole.
19. The appeal site is not subject to policies in the Framework that protect areas or assets of particular importance⁵.

² 2016-17, 2017-18, and, 2018-19

³ Footnote 7 and Paragraph 215 b) of the Framework.

⁴ The Spatial Development Strategy for London consolidated with alterations since 2011.

⁵ Footnote 6 of Paragraph 11 d i) the Framework provides a complete and exhaustive list of such policies.

20. The proposed development would be supported by parts of the Framework. In particular, policies to increase the supply of housing, support economic growth, achieve the effective use of land, promote healthy and safe communities, and, achieve well-designed places.
21. In my view, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
22. The proposal would accord with the development plan and there are no material considerations that would cause me to determine this appeal other than in accordance with the development plan for the area. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is allowed and planning permission granted.

Conditions and Conclusion

23. The Council has suggested a number of conditions be attached to any grant of planning permission, should the appeal be allowed, which I have considered in light of Government guidance and amended accordingly.
24. In addition to the standard commencement condition, conditions specifying the approved drawings and requiring the external materials to match those on the existing building would be necessary for reasons of certainty, and to protect the character and appearance of the area.
25. A condition requiring the approval and subsequent implementation of details of the boundary treatments, including fences and planting, would be necessary so as to safeguard the character and appearance of this part of Romford.
26. A condition removing certain permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would be necessary, given the compact size of the development site, in order to protect the character and appearance of the area and the living conditions of future occupiers.
27. However, a condition limiting the use of the rear garage to the occupiers of the donor property would be inconsistent with the approved drawing and limiting its use to the storage of vehicles would be neither reasonable nor necessary.
28. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR