

Appeal Decision

Site visit made on 24 November 2020

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2021

Appeal Ref: APP/B5480/W/20/3251389

127 George Street, Romford RM1 2EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gormley against the decision of the London Borough of Havering Council.
 - The application Ref P1858.19 was dated 6 December 2019.
 - The development proposed is for demolition of the existing commercial building and construction of two 3 bed semi-detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing commercial building and construction of two 3 bed semi-detached houses at 127 George Street, Romford RM1 2EB, in accordance with the terms of the application ref. P1858.19, dated 6 December 2019 subject to the conditions set out within the schedule attached to this decision.

Preliminary Matters

2. The appeal is against the failure of the Council to give notice within the prescribed period of a decision on the planning application, the subject of this decision letter. Within its statement, the Council sets out the reasons for refusal that it would have cited, had it been in a position to determine the application: these reasons focus upon the effect of the proposal upon the character and appearance of the area; the amenity of occupants of neighbouring residential properties; and the adequacy of the proposed parking layout.
3. The Council also confirmed as a result of the publication of the 2019 Housing Delivery Test (HDT) results in February 2020 that only 33% of the number of homes required within the London Borough of Havering were delivered over the previous 3 year period. The Council therefore confirmed that the tilted balance referred to in paragraph 11(d) of the National Planning Policy Framework (the 'Framework') is triggered, consequently a presumption in favour of sustainable development applies, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
4. I have determined the appeal on this basis

Main Issues

5. Therefore, the main issues are the effect of the proposals upon the character and appearance of the area; upon the living conditions of the occupants of 77 Brentwood Road, with specific reference to outlook; and whether the proposal would provide adequate off street parking and highway safety.

Reasons

Character and Appearance

6. The appeal site is located within a predominantly residential street; with the exception of retail premises on the opposite side of the junction of George Street with Brentwood Road, the existing commercial premises currently look out of place in terms of their form and function. The appellant provided street scene drawings comparing the existing situation with that proposed, to demonstrate how in terms of scale, the proposed pair of semi-detached dwellings would fit within the street scene.
7. The Council state that the replacement building would be of an overall height that would appear acceptable, with its alignment being broadly the same as that of the existing commercial building along the northern boundary of the site. Whilst I accept that it would be built closer to site's southern boundary, nonetheless there would remain a reasonable degree of separation between it and the rear elevation of nos 77 and 79 Brentwood Road. Furthermore the siting of the proposed dwellings closer to the site frontage would be more in keeping with the building line found along the eastern side of George Street.
8. Having regard to the overall massing of 125 George Street, I consider that the proposed development, by reason of its scale, bulk and mass would not be read as an overdevelopment of the site. From this basis I consider that the proposal complies with policies 7.4 and 7.6 of the London Plan (2016) and policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008) (DPD) which together seek a high quality design response and a scale and orientation that enhances the public realm, whilst complimenting or improving the amenity and character of the area.

Living Conditions

9. The Council makes explicit reference to the impact that the proposal would have upon 77 Brentwood Road which has been split into 2no flats. I acknowledge that due to the fact that the proposed building would be sited further forward within the site than the existing commercial building that the outlook from this property would change. Nonetheless as demonstrated within the proposed street scene, a view of sky would still be afforded from the first floor rear windows of no77; and whilst oblique, a degree of outlook would be maintained.
10. On balance, I consider that no significant harm would be caused to the amenity of surrounding buildings, pursuant to paragraph B d of London Plan Policy 7.6.

Parking and Highway Safety

11. At the time of my site visit 3no vehicles were parked within the forecourt to the existing building and I noted that there is a dropped kerb for the extent of its frontage, although only an access point into the site is provided to its southern end. The remainder of the road frontage comprises of a parking bay for permit holders only between the hours of 8.30am-6.30pm Monday to Saturday, there is also limited off-street parking in the road, therefore on-street parking is prevalent.
12. The Council highlights that the Public Transport Accessibility Level (PTAL) is good, being rated at level 4, and that DPD policy DC33 sets out that car parking provision within new developments should not exceed the maxima which are based on those provided in the London Plan. The proposal gives rise to a maximum requirement of 1.5 spaces and therefore at 1no space per dwelling, the proposals would not exceed the maximum car parking provision in this location.
13. I accept that the more forward siting of the proposed dwellings would reduce the area available for parking and manoeuvring of vehicles, however off-street parking would still be provided within a Controlled Parking Zone. I accept that an increase in competition for spaces would potentially be detrimental to the amenity of surrounding residents; nonetheless the proposal before me would be compliant with the set parking standards.
14. Having regard also to the fact that there is an existing access in regular use and that vehicle speeds are relatively low along George Street, I consider that the frequency of vehicles reversing into or out of the highway from and to the appeal site would be low, and therefore not detrimental to the free flow of traffic or wider highway safety. Consequently I find no direct conflict with DPD policy DC33.

Planning Balance and Conclusion

15. As highlighted above, for this proposal there is a presumption in favour of sustainable development and whilst I've found that the outlook from 77 Brentwood Road could potentially be eroded, nonetheless the harm emanating from the proposal to the occupants of its flats would be modest. Therefore, there would be no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.
16. Therefore having regard to the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
17. The Council has set out a suite of proposed conditions within its appeal statement, other than the standard time limit the Council has also recommended that the development be carried out in accordance with the approved plans, and that no works shall take place 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. For the avoidance of doubt I consider that the proposed second condition is reasonable, however

it is not necessary for samples of materials to be submitted prior to the commencement of development, therefore I have amended this condition requiring them to be submitted prior to construction above slab level.

18. I consider that in the interests of sustainable access and to encourage recycling the Council's fourth and fifth conditions are reasonable. However no reasons have been advanced as to the requirement for conditions 6, 7 and 8, namely controlling NOx emissions, noise levels and sound insulation respectively and therefore it has not been demonstrated that these conditions are necessary, as such matters are covered by the Building Regulations.
19. The ninth suggested condition is with regard to contaminated land, bearing in mind the site's existing commercial use and any of those that may have preceded it, I consider that such a condition would be reasonable and therefore I have imposed a condition utilizing the Planning Inspectorate's standard wording. With regard to suggested condition no10, it is appropriate to require a landscaping scheme, however again not prior to commencement of development therefore I have amended the condition accordingly. Finally I consider that in the interests of highway safety that it is appropriate to require details of vehicle cleansing facilities to prevent mud from being deposited onto the highway, prior to the commencement of development.

C J Tivey

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans: 3881_PL01, 3881_PL02, 3881_PL03, 3881_PL04, 3881_PL05, 3881_PL06, 3881_PL07, 3881_PL08, 3881_PL09, 3881_PL10, 3881_PL11 & 3881_PL12.
3. No works above slab level shall take place until samples of all materials to be used in the external construction of the dwellings hereby permitted are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.
4. No dwelling shall be occupied until cycle storage is 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 in accordance with the agreed details.
5. No dwelling shall be occupied until refuse and recycling facilities are 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 in accordance with the agreed details.
6. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

7. No dwelling shall be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for the protection in the course of development. All planting, seeding or turfing comprised within the scheme

shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local Planning Authority.

8. Prior to commencement of the development hereby permitted, details of vehicle cleansing facilities to prevent mud being deposited onto the highway during construction works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.