



Appeal Decision

Site Visit made on 19 January 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2021

Appeal Ref: APP/B5480/W/20/3262124

11 Nelmes Road, HORNCHURCH, RM11 3HX

- 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 Hitesh Gohil against the decision of the Council of the London Borough of Havering.
 - The application Ref P0182.20, dated 7 February 2020, was refused by notice dated 8 September 2020.
 - The development proposed is replacement dwelling with outbuilding and garage.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at 11 Nelmes Road, Hornchurch, RM11 3HX in accordance with the terms of the application, Ref P0182.20, dated 7 February 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form the description has been changed to replacement dwelling. Following amendments made to the scheme during its consideration the outbuilding was removed, and I have therefore used this shorter description in my formal decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a detached two storey dwelling. The property is located on the corner of Nelmes Road and Parkstone Avenue, both of which are characterised by detached dwellings which vary in their appearance and design. The area is of mixed character and includes both modern and older properties, however there is no clear pattern of development along either road. In particular the differing size and scale of properties creates a varied street scene.
5. The site is located within the Emerson Park Policy Area (EPPA), which is covered by a supplementary planning document (SPD). The document defines the residential area as mature and pleasant which has a distinctive character of varied and well-maintained single family detached dwellings in spacious and well landscaped grounds. The guidance criteria within all sectors of Emerson Park requires that the massing and architectural character of development, and

- the resultant space between adjacent buildings, should be compatible with the character of the local street scene and maintain the varied character.
6. The site is located within sector six of the EPPA, which states that the area is typified by medium and large dwellings and that redevelopment will not be permitted where it materially increases the existing density of the immediately surrounding area. Having regard to the general character of the area with its range of dwelling styles and heights, I consider that whilst the proposal would be both wider and taller than the original property, the proposed dwelling would contribute to the overall character of the area and therefore accord with the SPD in maintaining a varied street scene.
 7. The design of the dwelling, with gabled projections on both elevations would ensure interest to both road frontages and the hipped roof enables a sufficient transition in height to the neighbouring single storey dwelling and therefore the design would be appropriate within the street scene. Whilst the dwelling would be located on the corner of the junction and its increased massing would result in greater prominence than the existing dwelling, this would be acceptable having regard to the scale and prominence of other development within the immediate vicinity, and the dwelling would not be overly prominent or intrusive.
 8. The increased width of the dwelling does not result in an overdevelopment having regard to the overall size of the plot and there remains a good level of spacing between the properties on either side of the plot. The proposed dwelling is set back from the road to enable landscaping to be provided to soften the overall appearance of the frontage. Having considered the general character of development within the locality, the overall spacing would not be dissimilar to other examples along both Nelmes Road and Parkstone Avenue.
 9. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and would comply with policies DC61 and DC69 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (DPD) which require development to maintain, enhance or improve the character and appearance of the local area, and in particular the characteristics of the EPPA. The development would also accord with the SPD.
 10. The development would comply with policy 7.4 and 7.6 of the London Plan which also seeks to ensure appropriate development in accordance with the character of the area and achieves the highest architectural quality. The emerging London Plan is not materially different to the adopted policy and does not alter my findings on this main issue. The development would also accord with the National Planning Policy Framework which highlights the importance of good design.

Conditions

11. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty
12. In the interests of the character and appearance of the area a condition requiring the submission of samples of the materials and confirmation of site

levels is necessary and reasonable. I also consider that a condition to agree a scheme of landscaping and boundary treatment, would be necessary in this case given the lack of detail on the submitted plans.

13. Given the proximity to other dwellings, I have imposed a condition requiring the submission of a construction management plan to protect the living conditions of the occupiers of such properties. Noting the requirements of policy 5.15 of the London Plan and policy DC7 of the DPD, it is necessary to impose conditions relating to water efficiency and accessible and adaptable dwellings.
14. I have also imposed a condition requiring the access to be provided prior to occupation of the dwelling, this is modified from the Council's suggested condition which required compliance with other regulatory requirements.
15. I have not imposed conditions removing permitted development rights as these require there to be clear justification to do so and I do not consider they would pass the test of reasonableness in this instance. Furthermore, the existing permitted development rights for the insertion of windows within upper floors in a side elevation ensure the living conditions of neighbouring properties are adequately protected.
16. I have also not imposed a condition relating to refuse and bicycle storage, as space has been indicated within the proposed garage for bicycle storage and there is sufficient space within the site to provide for refuse storage as indicated on drawing 1673/04 Rev A and therefore I do not consider a condition necessary.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

-Schedule of 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 plans: 1673/01; 1673/02; 1673/03 Rev A; 1673/04 Rev A.
- 3) No development above slab level shall take place until samples of the materials to be used in the construction of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

- 5) No development above slab level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) The 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 approved walls, fences and boundary treatment shall be erected prior to the dwelling being first occupied and thereafter be retained in the approved form.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) the siting and design of any temporary buildings
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt;
 - vii) measures to minimise the impact of noise and vibration during construction, taking into account predicted noise and vibration levels for construction
 - viii) scheme for monitoring noise and vibration levels using methodologies and at points agreed with the Local Planning Authority;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 9) The dwelling shall not be occupied until the Building Regulations Optional requirement Part G (water efficiency) of Schedule 1 and regulation 36 (2b) to the Building Regulations 2010, as amended has been complied with.

- 10) The dwelling shall not be occupied until the Building Regulations Optional requirement Part M4(2) (accessible and adaptable dwellings) has been complied with.
- 11) The dwelling shall not be occupied until a means of access for vehicles, pedestrians and cyclists shall have been constructed in accordance with the approved plans. The accesses shall be retained thereafter.

-End-

