
Appeal Decision

Site visit made on 24 May 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/B5480/W/21/3267812
73 Junction Road, Romford RM1 3QR

- 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 Martin Bray against the decision of the Council of the London Borough of Havering.
 - The application Ref P1567.19, dated 11 October 2019, was refused by notice dated 18 September 2020.
 - The development proposed is 'demolish existing garages and erection of one bedroom detached bungalow'.
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Decision

1. The appeal is allowed. Planning permission is granted to demolish existing garages and erection of one bedroom detached bungalow at 73 Junction Road, Romford RM1 3QR in accordance with the terms of the application Ref P1567.19, dated 11 October 2019 subject to the conditions in the attached schedule.

Procedural Matter

2. The London Plan (2021) (LP) was adopted after the Council issued its decision. Both parties have had the opportunity to comment on its implications. I must determine the appeal based on the policies in place at the time of my decision. The Council has indicated within its statement that Policies D4 (Delivering Good Design) and D6 (Housing Quality and Standards) are most relevant.

Main Issue

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

Reasons

4. The character of the wider area is predominantly residential, although close to the application site it is mixed, with a retail parade opposing the garages. Properties are predominately two storey, incorporating a range of pitched and flat roofs. The existing garages are somewhat of an anomaly. In particular, those that would be demolished to make way for the dwelling are of a tired appearance, with a cracked open concrete frontage. They detract from the character and appearance of the area.

5. The run of garages, by reason of their limited height contribute an element of spaciousness to the street scene between 75 Junction Road (No.75) and 1 Carlton Road (No.1).
6. However, the bungalow would only be of limited scale and height, incorporating a modest hipped roof of limited ridge height. Although single storey dwellings are not common, it would effectively bridge the gap between the neighbouring dwellings. The single storey garages appear to be long established.
7. As a result, the bungalow would not appear particularly cramped on the site and it would be set well below the height of the two storey neighbouring properties. It would include a hipped roof which would further limit its upward bulk and match the roof form of No.1 which would commonly be viewed in the same frame as the proposal. The dwelling would be dual aspect and would have a plot which would incorporate off street parking to the front and garden space to the rear.
8. I conclude that there would be no harm to the character or appearance of the area and the proposal would not therefore conflict with Policy DC61 of the Havering Core Strategy and Development Control Policies DPD (2008) (HCSDCP) which amongst other things requires development that at a minimum would maintain the character and appearance of the area.
9. I have not identified conflict with Paragraph 127 of the Framework¹, nor Policy D4 of the LP which amongst other things are focussed around achieving good design. Although Policy D6 of the LP which relates to housing quality and standards has been drawn to my attention, the Council have not identified concerns in this regard.
10. I have not identified conflict with the other HCSDCP Policies that have been brought to my attention (CP1, CP10, CP17, DC2, DC3, DC16, DC32, DC33, DC35, DC55 & DC72). Policy DC29 has limited relevance as it relates to educational premises.

Other Matters

11. The Housing Delivery Test indicates that the delivery of housing within the borough has been substantially below the housing requirement over the past three years. As a result, 'The presumption in favour of sustainable development' at paragraph 11 d) of the Framework is relevant.
12. I have not identified any relevant Framework policies protecting areas or assets of particular importance that would provide a clear reason for refusing the development proposed. Nor have I identified any adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Policy DC61 of the HCSDCP is concerned with the character and appearance of the area and has conformity with the Framework which is also concerned with similar matters.
13. The proposal benefits from the presumption in favour of sustainable development which forms a material consideration within the planning balance in support of the proposal.

¹ National Planning Policy Framework 2019

Conditions

14. A set of suggested conditions should the appeal be allowed were forwarded by the Council. I have amended some of these in the interests of clarity. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
15. I have imposed a condition requiring the approval of external materials in the interests of the character and appearance of the area, while conditions are necessary relating to parking and boundary treatment in the interests of securing favourable highways conditions, the character and appearance of the area and the living conditions of nearby occupiers. A construction management plan is necessary given the demolition that is proposed and the proximity to other residential property. The provision of cycle parking is justified by Policy DC35 of the HCSDCP.
16. Planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. There is no justification for the broader removal of permitted development rights, although it is necessary to remove any permitted development rights for flank windows on the north east and south west facing side elevation to protect the living conditions of No.1 and No.75.
17. I have not found a condition requiring details of landscaping or wheel washing necessary due to the limited scale of the scheme. It would be likely that the requirement to bring vehicles and plant onto the site during construction would be limited.
18. There would appear to be adequate space within the property itself and its plot to store refuse and recycling materials, so no condition is necessary in this respect. Given the evidence indicates that the site is previously developed and does not confirm the absence of contamination, combined with the change to a more sensitive receptor, a contaminated land condition is necessary.
19. Conditions requiring the dwelling to meet Building Regulations Optional requirement M4 (2) 'accessible and adaptable dwellings' and relating to water efficiency are not adequately justified through the policy before me.

Conclusion

20. While acknowledging the presumption in favour of sustainable development, I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK/1015.1 & 773.
- 3) 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 30 days of the report being completed and approved in writing by the local planning authority.
- 4) 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:
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding where provided;
 - measures to control the emission of dust and dirt during demolition and construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - delivery, demolition and construction working hours.

The approved construction method statement shall be adhered to throughout the construction period for the development.
- 5) No development above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces 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 / samples.

- 6) Prior to the first occupation of the dwelling the car parking provision as indicated on plan SK/1015.1 shall be laid out and be available for use. The car parking provision shall thereafter be retained for that purpose for the lifetime of the development.
- 7) Prior to the first occupation of the dwelling, a scheme which fully details the proposed boundary treatments at the site shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall thereafter be installed prior to the first occupation of the dwelling and shall thereafter be retained for the lifetime of the development.
- 8) Prior to the first occupation of the dwelling, a scheme of cycle storage shall be submitted to, and approved in writing by, the local planning authority. The cycle storage shall thereafter be installed in accordance with the approved details prior to the first occupation of the dwelling and shall be permanently retained for its intended use thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening shall be formed in the flank walls of the building hereby permitted, unless details have previously been submitted to and approved in writing by the local planning authority.