
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: 16 June 2021

Appeal Ref: APP/B5480/W/21/3267032

19 Blyth Walk, Upminster, Essex RM14 1RR

- 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 L Thiara against the decision of the Council of the London Borough of Havering.
 - The application Ref P1244.19, dated 8 August 2019, was refused by notice dated 31 July 2020.
 - The development proposed is new attached 2 bed house and associated parking, bin stores and bike stands.
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Decision

1. The appeal is allowed. Planning permission is granted for a new attached 2 bed house and associated parking, bin stores and bike stands at 19 Blyth Walk, Upminster, Essex RM14 1RR in accordance with the terms of the application Ref P1244.19 dated 8 August 2019 subject to the conditions in the attached schedule.

Procedural Matters

2. I am unclear of the second word in the description of the development on the planning application form. Nonetheless, the description in the banner heading above incorporates all of the description that is legible and has been adopted by the appellant on their appeal form. I have therefore determined the appeal on the basis of this description.
3. 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

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

Reasons

5. Blyth Walk sits within a residential area. It is in the main formed of four terraces fronting onto the road and walkway. Humber Drive cuts across the top of Blyth Walk to the north, running in an east/west direction. The appeal site sits at the northern end of the walk. It has a rear garden and a modestly sized

side garden which sits immediately to the south of Humber Drive. The proposed two bed house would be placed on this part of the site, attached to the north facing side elevation of 19 Blyth Walk.

6. The side gardens to the north of the end of terrace properties on both Blyth Walk and The Rodings to the west do contribute towards the sense of space within the Humber Drive street scene. However, to the north of Blyth Walk the land has an open feel and the playground and car park associated with the primary school to the north make a significant contribution to the openness on this part of the road. Further, 19 Blyth Walk appears to have the widest side garden on this section of Humber Drive.
7. As a result of the above factors, although there would be a slight loss of openness, I do not consider that this would result in significant harm to the street scene, particularly considering that a 2-3m gap would remain from the side elevation of the new dwelling to the Humber Drive footway. The character and appearance of the area would not be detrimentally affected.
8. I appreciate that the resultant plot would be smaller than the majority of the plots associated with the northernmost properties on the terraces. However, these plots are somewhat of an anomaly in terms of their size and both the resultant plots would retain well sized gardens that would be commensurate with the majority of plot sizes within the area. I therefore afford this matter limited weight.
9. I accept that the inclusion of a front door to the Humber Drive side elevation of the dwelling would be inconsistent with the generally lesser detailed side elevations, but it would be a modest ground floor feature set within a shallow porch. I cannot conclude that this would be visually harmful to any significant degree.
10. Although only a snap shot in time, I observed that on street parking immediately adjacent to the application site was limited at the time of my site visit early on a weekday afternoon. There is nothing within the evidence to suggest that this is not reflective of the general situation. I also observed that all four properties which sit adjacent to Humber Drive, including the appeal site, have taken advantage of the opportunity to provide parking within their gardens, utilising access from Humber Drive. This now clearly forms part of the established character of the area and I note that the Council assumes this feature at the appeal site to be permitted development.
11. I have not therefore identified any significant harm to the character or appearance of the area and the proposal would not therefore conflict with Policies CP17, DC3 or DC61 of the Havering Core Strategy and Development Control Policies DPD (2008) (HCSDCP) which amongst other things require development that at a minimum would maintain the character and appearance of the area. The specific conflict with SPD¹ guidance has not been drawn to my attention, but the resultant density across the site would appear to be in line with its suggestions. I have not identified conflict with the wider document.
12. I have not identified conflict with Policy D4 of the LP which amongst other things is focussed around achieving good design. Although Policy D6 of the LP

¹ Havering Design for Living Residential Design Supplementary Planning Document Adopted 2010

which relates to housing quality and standards has been drawn to my attention, the Council have not identified concerns in this regard.

Other Matters

13. I have had regard to previous appeal decisions on the site. I do not have the full details of appeal Ref: APP/B5480/A/11/2164688. However, it is evident that this was for a different proposal, a detached two storey dwelling. This decision has therefore had no bearing on my conclusions.
14. I also do not have full details of the appeal Ref APP/B5480/W/15/3051176, which was dismissed on the basis of a scheme which the council suggests was similar to this one. I note that this appeal was dismissed as a result of the effect of the proposal on the character and appearance of the area. However, the decision was made on the basis of the combined impact of the dwelling and the provision of the parking area accessed from Humber Drive. The parking is now in place. Therefore, although I have taken this previous decision into account, the situation at the site has changed since then. The balance which that decision was made upon is no longer the same and I therefore afford it limited weight.
15. There are concerns around parking issues, although adequate parking provision would be provided across the two dwellings. There is no significant concern from the Council in this respect and I have no reason to disagree. No significant adverse impacts on the living conditions of nearby occupiers have been identified by the Council and I also have no reason to disagree given the substantial separation distances that would be in place to any property with views towards the site.
16. 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 National Planning Policy Framework (the Framework) is relevant to the determination of this appeal.
17. 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. Policies CP17, DC3 and DC61 of the HCSDCP are concerned with the character and appearance of the area and have conformity with the Framework which is concerned with similar matters.
18. 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.

Conditions

19. 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.

20. 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.
21. Given the evidence indicates that the site is situated on or within 250 metres of a current or historic landfill site or gravel pit, a contaminated land condition is necessary. A condition requiring the dwelling to meet Building Regulations Optional requirement M4 (2) 'accessible and adaptable dwellings' is justified by Policy D7 of the LP.
22. A condition requiring that the flat roof area should not be used as a balcony, roof garden or similar amenity area is not necessary as permitted development rights do not exist for this and there is no indication from the plans including floor layout that this is intended.

Conclusion

23. 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: bw1, BRU – 01, BRU – 02 & BRU – 03.
- 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 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.
- 5) Prior to the first occupation of the dwelling the car parking provision as indicated on plan BRU – 02 for both 19 Blyth Walk and the proposed dwelling shall be available for use by each respective dwelling. The car parking provision shall thereafter be retained for that purpose for the lifetime of the development.
- 6) 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.
- 7) The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.