
Appeal Decision

Site visit made on 24 August 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021

Appeal Ref: APP/B5480/W/20/3264891
42 Coleridge Road, Romford RM3 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Amina Khatun against the decision of the Council of the London Borough of Havering.
 - The application: P0974.20, dated 8 July 2020, was approved on 18 September 2020 and planning permission was granted subject to conditions.
 - The development permitted is the conversion of existing outbuilding to a granny annexe ancillary to the dwelling house.
 - The conditions in dispute are Nos. 2 and 4
 - Condition 2 states that the development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans.
 - Condition 4 states that any residential occupation of the building hereby approved shall be limited to immediate family members of the family occupying the main house at 42 Coleridge Road, Romford for residential purposes and shall not be occupied by any other persons.
 - The reasons given for the conditions are (2) The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61 and (4) In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.
-

Decision

1. The appeal is dismissed insofar as it relates to the proposed removal of Condition 2 of planning permission Ref: P0974.20.
2. The appeal is allowed, and planning permission is granted for the conversion of existing outbuilding to a granny annexe ancillary to the dwelling house at 42 Coleridge Road, Romford RM3 7BB in accordance with the application Ref: P0974.20 dated 8 July 2020, without compliance with condition number 4 previously imposed on planning permission Ref: P0974.20 dated 18 September 2020, but subject to the attached schedule of conditions.

Procedural Matter

3. Following the submission of this appeal, a revised version of the National Planning Policy Framework has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issues

4. The main issues are:

- the effect on the character and appearance and the living conditions of the occupiers of the neighbouring properties if Condition 2 were to be removed; and
- the effect of the development upon the living conditions of the future occupiers of the development and the living conditions of the occupiers of neighbouring properties if Condition 4 were to be removed.

Reasons

Character, appearance and living conditions considerations arising from Condition 2

5. The development was described as an annexe to the existing dwelling that would be constructed by converting the existing garage. This was subject to a condition specifying the approved plans.
6. It is a requirement that planning conditions should be necessary; relevant to planning; relevant to the development permitted; precise; reasonable and enforceable.
7. The condition is precise in that its intentions are clear as the plans that the proposed development should accord with are specified. This therefore makes the condition enforceable. Furthermore, given that the plans are an integral part in establishing the extent of the permitted development, they are relevant to the planning process.
8. If I were to remove the condition, it would mean that there would not be sufficient control over the type of the development that could proceed on the appeal site. This would mean that the development could be subject to change over time that may have a differing effect upon the occupiers of neighbouring properties. This would not be desirable. In result, the condition meets the tests of necessity and reasonableness.
9. Given that the proposed plans control the appearance and layout of the development the condition directly relates to the permitted development. Removing the condition would potentially allow for the construction of a different development that would have a greater effect upon the character and appearance of the surrounding area.
10. I have considered the appellant's suggestion that I can impose a condition specifying a new set of proposed plans. However, these plans have not been the subject of consultation with the occupiers of neighbouring properties. In result, a condition drafted on these terms would unfairly prejudice other parties.
11. I understand the concerns raised by the appellant regarding the way the revised plans were submitted to the Council. However, they were submitted, and the scheme was formally amended. As such, I am unable to find that the condition is unreasonable in listing the revised plans.
12. The appellant has raised some concerns regarding the merits of the permitted scheme. However, whilst a reduction in the number of doors would reduce the

potential number of exits from the annexe, I do not believe that the permitted scheme would be particularly unsafe owing to its design and layout.

13. I understand that a door would lead to land controlled by the appellant, rather than onto Haydon Close itself. However, given that I have identified that the disputed condition is necessary and reasonably and precisely drafted, this does not overcome my previous observations.
14. Owing to the positioning of the annexe and its layout, an area would be created to the rear of the site that would not be accessible from the property's garden. However, as this area is accessible from the road to the rear of the site, residents would still be able to undertake routine maintenance when required.
15. I therefore conclude that the imposed condition is necessary and reasonable. The condition, in this regard, is in conformity with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (the Core Strategy). Amongst other matters, this seeks to ensure that developments complement or improve the amenity and character of the area; and respond to distinctive local building forms and patterns of development.

Living conditions considerations arising from Condition 4

16. The approved development was approved subject to a condition that restricts the occupation of the annexe to members of the family of the occupiers of the main dwelling.
17. Given that the occupiers of the annexe would be reliant upon the use of the existing dwelling's garden for recreation, a self-contained dwelling within this location would not be desirable. However, the planning permission was granted subject to a separate condition that prevents the annexe from being occupied, or disposed of, as a separate dwelling.
18. It is necessary to ensure that the occupiers of the development have access to the appropriate facilities, such as garden space, to secure suitable living conditions. Furthermore, owing to the layout of the appeal site, occupiers of the development would need to pass close to the existing dwelling when entering and leaving the site. If the annexe is occupied by a separate household, this would not be conducive to the securing of satisfactory living conditions for the occupiers of the existing dwelling.
19. Whilst the disputed condition specifies immediate family members, there is a possibility that unrelated people could potentially form a household and reside using the various shared facilities at the appeal site. In addition, the annexe could potentially be occupied by a family member that may not fall within the definition of 'immediate'. Therefore, the condition, as currently drafted, lacks the requisite degree of precision and reasonableness.
20. However, given that it would not be desirable for the annexe to be occupied as a separate dwelling, it would be reasonable to place a restriction on the development to ensure that it remains a feature ancillary to the existing dwelling.
21. Therefore, whilst I am not persuaded about the merits of the condition as currently drafted, I am minded to impose a new condition. This would ensure that the proposal would remain an ancillary annexe. I have given the appellant and Council the opportunity to comment on this approach.

22. The Council has imposed a further condition, which is not disputed by the appellant (number 5). This condition prevents the annexe from being disposed of a separate, self-contained unit. In result, this condition would not prevent the annexe from being occupied as a self-contained dwelling provided that it remains in the same ownership as the existing dwelling. In result, this condition does not overcome my previous concerns.
23. Therefore, the disputed condition fails the test of precision and reasonableness. However, it would be necessary to ensure that the proposed annexe does not become a separate unit of accommodation and erode living conditions. However, this could be overcome through a new condition.
24. I therefore conclude that the disputed condition continues to be necessary but in its current form it is imprecise and therefore fails to meet all the tests of National Planning Policy Framework. I am therefore attaching a revised condition that is more precise. In its revised form, the condition would comply with the requirements of Policy DC61 of the Core Strategy. This, amongst other matters, seeks to ensure that developments meet the needs of all people of all ages

Other Matter

25. I note that the proposed development would result in improved living conditions for the appellant's family. This is a matter of note in favour of the appeal. However, I am conscious that, in the main, planning decisions should be made in the public interest. Therefore, such improved living conditions does not overcome my findings in respect of the first main issue.

Conditions

26. In addition to the revised wording of Condition 4, it is necessary to reimpose the conditions that are still capable of taking effect. In result, a condition covering the period for the implementation of the development is necessary. In addition, conditions covering materials and ensuring that the development is not laid out as a separate dwelling is necessary and reasonable. For the preceding reasons, I have retained the wording used by the Council in respect of the approved plans condition.

Conclusion

27. For the preceding reasons, I conclude that Condition 2 is necessary and reasonable as well as precise. Therefore, the appeal in respect of this conditions should be dismissed.
28. However, Condition 4 is currently imprecisely worded. I therefore allow the appeal in respect of this condition, subject to the imposition of a new condition that would ensure that the annexe remains ancillary to the main dwelling.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be commenced before the 18 September 2023.
2. The development hereby permitted shall not be carried out otherwise than in accordance with the approved plans: Site Location Plan; Existing Site Plan 1; Proposed Site Plan 02; Existing and Proposed Plans and Elevations 2.
3. All new external finishes shall be carried out in materials to match of those of the existing building(s) to the satisfaction of the Local Plan Planning Authority.
4. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 42 Coleridge Road, Romford.
5. The outbuilding hereby permitted shall not be arranged or disposed of as a separate unit of residential accommodation from the use of the main dwelling.