



Appeal Decision

Site visit made on 27 October 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/B5480/W/21/3268336

31 Farm Road, Rainham RM13 9JU

- 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 Shiraz against the decision of the Council of the London Borough of Havering.
 - The application Ref P1205.20, dated 24 August 2020, was refused by notice dated 14 December 2020.
 - The development proposed is erection of a detached bungalow with associated landscaping and 1 off street parking space.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached bungalow with associated landscaping and 1 off street parking space at 31 Farm Road, Rainham RM13 9JU in accordance with the terms of the application, Ref P1205.20, dated 24 August 2020, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal.
3. The Council has adopted the Local Plan 2016-2031 (the Local Plan) since the appeal was lodged. The Council has specified that the Core Strategy and Development Control Policies Development Plan Document 2008 (the CSDCP) referred to in the Council's Decision is not formally revoked until 29 December 2021. Based on the evidence before me, I have therefore determined this appeal with regard to both the Local Plan and the CSDCP.
4. The Council has stated that the presumption in favour of sustainable development outlined in paragraph 11(d) of the Framework is engaged due to the 2020 Housing Delivery Test results. I have not been informed that this situation has changed due to the adoption of the Local Plan, and I have therefore proceeded to determine this appeal on the basis of paragraph 11(d) of the Framework.

Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the host property and the area; and
- The living conditions of future residents with regards to outlook, privacy, access, and noise and disturbance.

Reasons

Character and Appearance

6. The appeal site is part of a rear garden of a semi-detached 2-storey dwelling. The proposed bungalow would not reflect the scale and design of the host property, and would also be within a constrained site and located in close proximity to the side boundaries. However, there are bungalows of a similar design and arrangement in the vicinity, including a short distance away on Farm Road and Allen Road. Within this context, the proposal would not appear as an incongruous feature within this suburban area.
7. Whilst the proposed bungalow would be higher than the flat-roofed outbuildings currently on the site, the increase in height would not be obtrusive, and the set-back to create the parking space and front garden would also mitigate the potential impact on the streetscape. The provision of street frontage onto Allen Road would also mean that the bungalow would not appear as incongruous development within an area of rear gardens.
8. I conclude that the proposal would not harm the character and appearance of the host property or the area. The proposal would therefore not conflict with policy DC61 of the CSDCP which seeks to maintain the character and appearance of the local area. The proposal would also not conflict with the design requirements of policies 3, 7, 26 and 27 of the Local Plan.

Living Conditions

9. The proposal would be located on a constrained site. However, the dwelling would provide a dual aspect, and windows for habitable rooms would primarily look out onto a garden area. Even allowing for the proximity of the site boundary, I do not consider that the outlook would be unduly constrained or dark.
10. A bedroom would look directly onto the parking space, and the outlook for occupants would be affected by the parking of vehicles. However, this arrangement is not unusual and reflects other bungalows in the area. Given the nature of the occupancy of this room, I do not consider that this matter is sufficient reason for withholding planning permission.
11. The plans originally submitted did not include access from the bungalow directly into the rear garden. The appellant has submitted amended plans which indicate a rear door from the living/kitchen/dining area and I consider that this would provide suitable access to the rear garden. Although the door as depicted would be relatively narrow, this could be addressed by a minor amendment, and the Council has suggested a condition in respect of access standards which would address this issue.
12. The appeal site would be overlooked by the upper windows of neighbouring dwellings. However, given the separation distances and proposed boundary

treatment, the degree of overlooking would not be intrusive and would not harm the privacy of residents.

13. The Council Officer's report refers to noise associated with car parking at an adjacent school. However, although the car park is directly adjacent to the appeal site, there is no substantive evidence in respect of noise generated by vehicle movements within the car park, or evidence of a history of complaints from nearby residents in respect of noise from vehicles associated with the school. Whilst residents of the appeal proposal may be aware of traffic movements associated with the car park, based on what I have seen and read it has not been demonstrated that this would lead to a degree of noise and disturbance which would justify the refusal of planning permission.
14. The Officer's report also refers to intensification of the use of the site from the introduction of a new dwelling, and resultant noise and disturbance to surrounding properties. However, the activities associated with a single dwelling would not be out of character for this residential area.
15. I conclude that the proposal would provide suitable living conditions for residents with regards to outlook, privacy, access, and noise and disturbance. The proposal would therefore not conflict with the amenity requirements of policy DC61 of the CSDCP or policies 7, 10 and 34 of the Local Plan.

Conditions

16. The Council and consultees have suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity.
17. In addition to the standard 3 year time limitation 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. A condition in respect of materials is appropriate in the interests of character and appearance.
18. Conditions in respect of refuse and recycling storage as well as means of enclosure are required in the interests of the living conditions of residents and the character and appearance of the area. A condition in respect of cycle storage is appropriate in the interests of sustainable transport.
19. Exceptionally, due to the relationship with neighbouring properties, a condition removing permitted development rights is reasonable and necessary in the interests of the living conditions of neighbouring residents. A condition requiring details of compliance with Part M4(2) of the Building Regulations is reasonable and necessary in this case in response to Policy 7 of the Local Plan, including with regards to access to the rear garden.
20. A condition requiring details of hard and soft landscaping is not necessary as landscaping works would be within the private curtilage of the dwelling. Conditions in respect of water efficiency and NOx emissions have not been adequately justified as necessary through the evidence provided to me or whether they are more appropriately addressed through other regulatory requirements.
21. A condition in respect of the hours of construction and other operations is necessary in the interests of the living conditions of nearby residents. A

condition requiring the provision and retention of car parking is required in the interests of the living conditions of residents and highway safety.

Conclusion

22. Whilst I have had regard to the presumption in favour of sustainable development, I have concluded that the proposal would not conflict with the development plan and there are no material considerations that indicate the application should be determined other than in accordance with it. For the reasons given above, I therefore conclude that the appeal should be allowed.

David Cross

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: OS Map Drawing No. 08; Proposed Plan Drawing No. 02; Proposed Plans Drawing No. 03 Rev. A; Proposed Elevations Drawing No. 05 Rev. A; Proposed Elevations Drawing No. 06 Rev. A.; Proposed Plans Drawing No. 04; and Block Plan Drawing No. 07.
- 3) No above ground development shall commence on site until full details of the materials to be used in the exterior of the building are submitted to and approved in writing by the Local planning Authority. The development shall then be carried out in accordance with the approved specified materials.
- 4) The dwelling shall not be occupied until refuse and recycling storage is provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage shall be permanently retained thereafter.
- 5) The dwelling shall not 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.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other Development Order), no extension, enlargement (including additions to roofs) or alteration shall be made to the dwellinghouse hereby permitted, without the express permission in writing of the Local Planning Authority.
- 7) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and soil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.

- 8) No above ground development shall commence on site until details of how the dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings. are submitted to and approved in writing by the Local planning Authority. The development shall then be carried out in accordance with the approved details.
- 9) Prior to the occupation of the house, the car parking space to the front of the dwelling hereby approved shall be provided in accordance with the approved plans and maintained as such thereafter unless it is submitted to and approved otherwise in writing by the Local Planning Authority.
- 10) Prior to the occupation of the development hereby approved, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out before first occupation in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.

End of Schedule