



Appeal Decision

Site visit made on 5 January 2022

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 27 JANUARY 2022

Appeal Ref: APP/B5480/W/21/3278253

26 Dury Falls Close, Hornchurch, RM11 3AX

- 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 D Ellis against the decision of the London Borough of Havering.
 - The application Ref P0608.21, dated 30 March 2021, was refused by notice dated 7 June 2021.
 - The development proposed is first floor side/front extension to allow conversion of the two storey dwelling into 2x3 bed self-contained dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side/front extension to allow conversion of the two storey dwelling into 2x3 bed self-contained dwellings at 26 Dury Falls Close, Hornchurch, RM11 3AX, in accordance with the terms of the application, Ref P0608.21, dated 30 March 2021, subject to the conditions set out in the attached schedule.

Preliminary matter

2. At the time of my site visit I was informed that planning permission had been granted on a duplicate application. Nevertheless, this appeal has not been withdrawn. In view of this information I requested a copy of the officer's report that resulted in the grant of planning permission. I am, therefore, now informed that the council has a new Local Plan 2016 – 2031 (LP), adopted after the refusal of this appeal application. The officer's report on the duplicate application provides information about the new local plan that I have taken into account in my consideration of this appeal.

Main Issues

3. There are 2 main issues in this case: i) the relationship of the proposed forecourt areas to the proposed dwellings in terms of living conditions and the environment of the area; and ii) the adequacy of the parking provision in respect of highway safety and residential amenity.

Reasons

4. The appeal property is at the end of Dury Falls Close; it is set in line with adjacent dwellings facing the road, but is off-set to the 'T' hammerhead, with its parking and garage occupying half of the width of the hammer head, looking down the road. The existing dwelling is of two-storeys and is semi-detached,

on an irregular plot of land. Most of the front of the application site is hard standing utilized for car parking, part of which is occupied by a double garage. Most of the dwellings in the cul-de-sac are semi-detached, with a number of detached houses and a terrace of three houses. The existing double garage would be demolished as part of the proposal, leaving 4 new at-grade spaces. These would be accessed via an extended crossover.

5. The recently adopted LP identifies that the greatest housing need is for 3 bed dwellings. Policy 9 states the council would not support a planning application that would not result in the provision of a minimum of one family unit of 3 or more bedrooms as a result of subdivision and conversion. The London Plan 2021, policy D6, specifies minimum internal space standards required for new dwellings. Both the bedrooms and the gross internal area of the donor house and the proposed additional dwelling exceed the minimum requirements. There is a small shortfall of built-in storage, but this would not bring a significant adverse impact on the future occupants of the houses. Therefore, the overall aim to meet the growing housing need of 3 bed dwellings would be met, and thus the proposal is acceptable in terms of these policies. The consideration of this appeal, and the 2 main issues, needs to be judged against this background.

The relationship of the proposed forecourt areas to the proposed dwellings in terms of living conditions and the environment of the area

6. The parking on the hardstanding is clearly distinct from the front garden areas of the two proposed dwellings and means that there is no need for cars associated with the proposed houses to pass directly alongside or park in the front gardens. I note that the neighbour at No. 55 has a similar parking arrangement fronting the hammerhead. I consider that the relationship of existing and proposed forecourt areas to the existing and proposed dwellings, in terms of living conditions and the environment of the area, is satisfactory.

The adequacy of the parking provision in respect of highway safety and residential amenity.

7. LP Policy 24 states that the London Plan parking requirements apply to all the borough other than if the property has a PTAL rating of 0-1. As the property has a PTAL rating of 2, the car parking provision according to the London Plan should be a maximum of 1 space per dwelling. The proposal to demolish the existing double garage and provide 2 car parking spaces for each dwelling separated with a hedge, accessed via a widened vehicle cross over, exceeds the maximum requirement by the London Plan. Whilst that would be contrary to policy, the property already has a double garage and parking available on the hardstanding, so that effectively the application site can already accommodate 4 vehicles. This level of parking provision keeps parked cars away from the carriageway, which is likely to be beneficial to highway safety. For the same reason, residential amenity is likely to be enhanced rather than harmed. I therefore consider that the restrictive policy is not overriding in this case.

Conclusion

8. I have taken account of all other matters raised, including the objection from interested persons who are concerned about an increase in traffic, parking congestion, safety, etc, but for the reasons given above I will allow the appeal.

Conditions

9. The council has indicated conditions that should be imposed on any planning permission, in addition to the standard time limit for commencement of development. I will apply most of these for the following reasons: condition 2 is required for clarity and to provide certainty as to the development that is being permitted; condition 3 is to ensure that the materials used in the development relate properly to the existing building to provide a satisfactory appearance; condition 4 is to ensure adequate refuse and recycling facilities are provided and appropriately sited; condition 5 is to ensure appropriate boundary treatment is put in place; condition 6 is to safeguard the living conditions of neighbours during the construction process; condition 7 is to ensure measures for water efficiency are in place; and conditions 8 and 9 are to ensure that no further development takes place without planning permission, including flank windows, in view of the amount of space on site and relationship between dwellings, for the sake of the living conditions and privacy of the occupiers and neighbours.
10. I consider that the 2 conditions suggested to deal with vehicle parking and access are unnecessary in view of the detail shown on the approved drawings and the fact that the parking provision goes beyond what is required by policy.

Terrence Kemmann-Lane

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 not be carried out otherwise than in complete accordance with the approved plans reference DFC-1, DFH-01, and DFH-02.
- 3) All new external finishes shall be in materials to match those of the existing building.
- 4) No building shall be occupied until refuse and recycling storage with details of access to the site are 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) Prior to first occupation of the proposed dwellings 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 in accordance with the approved details and retained permanently thereafter.
- 6) All building operations in connection with the construction of external walls, and 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.
- 7) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouses hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the approved plans) shall be formed in the flank walls of the buildings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.