



Appeal Decision

Site visit made on 3 February 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/B5480/W/21/3277658 26 Heath Park Road, Romford, RM2 5UB

- 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 K Fry against the decision of the London Borough of Havering Council.
 - The application Ref. P0505.21 dated 17 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is the erection of a single storey 3 bed detached dwelling involving the demolition of existing garage and outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey 3 bed detached dwelling involving the demolition of existing garage and outbuilding at 26 Heath Park Road, Romford, RM2 5UB in accordance with the terms of the application, Ref P0505.21, dated 17 March 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary matters

2. The application form for the appeal development described the proposal as 'New three bedroom dwelling'. The council changed this to the description used in the heading above. I consider that this description more aptly describes the development proposed. I note that this description was used in the appellant's appeal statement.
3. At my site visit I noted that the application plans do not appear to accurately represent the appeal site. It appears that the garden of No.26 Heath Park Road is not of a uniform width, as indicated on the plans, but at a position roughly half way down the curtilage, the garden widens to about double the width compared to the width immediately behind the house. This extra width is provided by land at the rear of No.28, which seems to have a shorter garden as a result. I considered that this has implications for my decision, not least because the siting shown for the proposed dwelling does not reflect the space on which it would be sited. I therefore sought clarification. The appellant states that the application plan accurately shows the land in his registered title; the extra land in his garden is an informal arrangement with neighbours due to their difficulty in maintaining a large plot. My decision therefore relates to the appeal site as shown on the plans.

Main Issue

4. The single issue in this case is the suitability of the location for the proposed dwelling, considering the character and established pattern of development in the locality.

Reasons

5. At the time this planning application was determined planning policy for the Council comprised the Local Development Framework. At the time of the council responding to the appeal, this had been superseded by the adoption of the Local Plan 2016-2031. This is a material consideration in this appeal. The council draws particular attention to Policy 26, which states:
 6. "The Council will promote high quality design that contributes to the creation of successful places in Havering by supporting development proposals that:
 - i. Are informed by, respect and complement the distinctive qualities, identity and character of the site and local area;
 - ii. Are of a high architectural quality and design;
 - iii. Provide creative, site specific design solutions;
 - iv. Respect, reinforce and complement the local street-scene;
 - v. Provide active streets, good sight lines and natural surveillance;
 - vi. Are designed in accordance with the principles of Secured by Design;
 - vii. Respond to distinctive local building forms and patterns of development and respect the visual integrity and established scale, massing, rhythm of the building, frontages, group of buildings or the networks and patterns of activity particularly to accommodate active travel."
7. The council's case does not draw explicitly on which of these criteria are central to its decision, but seems to me to primarily rely on criteria i and vii. As is sometimes the case, individual proposals and their location do not readily sit within the framework of policy.
8. The appeal site is situated within a predominately residential area of mainly 2 storey housing with this side of Heath Park Road consisting of almost entirely well established and substantial semi-detached dwellings. The appeal site is formed of part of the long rear garden of No.26. This long rear garden is typical of the immediate neighbours. The neighbouring gardens to the west run down to a railway line, but the appeal property falls short of this being separated from the railway by what I take to be more recent development in Oxford Close. Thus, beyond the site of the proposed dwelling there are the rear gardens of a pair of semi-detached dwellings within that Close, albeit separated by boundary hedging.
9. The garden of No.26 has, at its end, substantial outbuildings and an area used for parking vehicles. The access for these vehicles and for the proposed dwelling is an access way that runs down its western side, separating it from No. 24 Heath Park Road. There are other examples of outbuildings at the rear of the other long gardens in the vicinity.
10. From this description it will be seen that the appeal proposal does not replicate a form of development that is generally found in this locality, but to my mind this does not settle the question of the acceptability of the proposal. The refusal reason does not make reference to any harm to the living conditions of neighbours, through for instance, loss of privacy, intrusion of additional activity

and vehicular movement leading to undue disturbance and loss of amenity in rear gardens. I do not criticise the council for this lack of reference to such matters, and no doubt such matters were taken into account.

11. There is clearly an existing private right of way down the side of the garden of No.26 that is currently being used to allow access to the rear of the property by domestic vehicles. Such use would cease by the occupiers of No.26, and I cannot see that the proposed dwelling would bring such increased use of the private access as to pose damaging effects on the neighbour: as I have said, this is not part of the council's case. At the same time, there is substantial development at the bottom of the rear garden of the appeal property and that of its neighbours to the east by way of the more orthodox Oxford Close development.
12. In my judgement this case is one that does not easily sit in the normal run of development, but Policy 26 criteria i and vii, which I have referred to, could be said to be met by i) complementing the distinctive character of the local area, not replicating it, particularly because there is an existing vehicular access to the site and there is the Oxford Close development immediately adjoining the site; and ii) (criterion vii) not causing harm to the visual integrity and established scale, massing, rhythm of the building, frontages, group of buildings. Indeed, on this last point, the appeal development would not be apparent and therefore would not erode the visual integrity of the locality.
13. The appeal proposal is a single storey dwelling, set well away from the frontage development of Heath Park Road. It would be sufficiently far from the existing houses as to not impact on the enjoyment of the private outdoor space at their rear and would not give rise to over-looking and loss of privacy. In terms of the other criteria of Policy 26, there is no criticism of the architectural quality and design; the proposal provides a creative, site specific design solution; there is no street scene to complement or re-enforce, but this simply means that in this case the criterion is not applicable; the development, whilst at the end of a private drive, still relates to active streets with satisfactory sight lines and natural surveillance; and can be said to accord with the principles of secured by design by being inconspicuous in the street scene and readily protected by gates and the curtilages of other dwellings.

Conclusions

14. I have taken account of all matters raised, including the matter of the presumption in favour of sustainable development under paragraph 11 d) of the National Planning Policy Framework. This would be invoked because the housing delivery test shows that the council has not been meeting its housing delivery target. Since I am allowing the appeal, I need say no more about this matter. In light of the reasoning that I have set out above, I have decided that the site is a suitable location for the proposed dwelling, considering the character and established pattern of development in the locality. Therefore the appeal will be allowed.

Conditions

15. 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 these for the following reasons: condition 2 is required for clarity and to provide certainty as to the development that is being

permitted; 3 is to ensure that materials used in the construction will enable the building to fit into its surroundings in a visually satisfactory way; 4 and 5 are to ensure that the development is landscaped and enclosed appropriately to complement the surroundings and ensure privacy; 6 is to protect the living conditions of neighbouring occupiers during the course of construction; 7 is to ensure that adequate car parking arrangements are made to avoid inconvenience to neighbours and safety on the highway; 8 is to ensure that cycle storage is provided to encourage sustainable travel; 9 is to ensure that adequate arrangements are made for refuse and recycling facilities to protect the environment and the living conditions of neighbours; 10 is to ensure that future development that might affect the living conditions of neighbours can be appropriately controlled; 11 is to ensure that hours of working on the construction of the development do not interfere with the living conditions of neighbours; 12 is to ensure that the privacy of neighbours is maintained; 13 is to ensure that the development meets the appropriate standards for accessible and adaptable dwellings; 14 is to ensure that flood risk is not increased due to surface water run-off; and 15 is to ensure that water consumption is controlled in the interests of sustainability.

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 Nos. HPR, HPR01, and HPR07.
- 3) No above ground works shall take place in relation the development hereby approved until samples of all materials to be used in the external construction of the building are submitted to and approved in writing by the local planning authority and thereafter the development shall be constructed with the approved materials.
- 4) No above ground works in connection with the approved scheme shall take place until there has been submitted to and approved by the local planning authority a scheme of hard and soft landscaping. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- 5) No development above ground level shall take place until details of all proposed walls, fences and boundary treatment are 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 prior to occupation of the dwelling and retained permanently thereafter.
- 6) No works shall take place in relation to any of the development hereby approved until a Construction Method Statement to control the adverse impact of the development on the amenity of the public and nearby occupiers is submitted to and approved in writing by the local planning authority. The Construction Method statement shall include details of:
 - a) parking of vehicles of site personnel and visitors;
 - b) storage of plant and materials;
 - c) dust management controls;
 - d) measures for minimising the impact of noise and if appropriate, vibration arising from construction activities;
 - e) predicted noise and, if appropriate, vibration levels for construction using methodologies and at points agreed with the local planning authority;
 - f) a scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the local planning authority;
 - g) siting and design of temporary buildings;
 - h) a scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;

- i) details of disposal of waste arising from the construction programme, including final disposal points. The burning of waste on the site at any time is specifically precluded.
The development shall be carried out in accordance with the approved scheme and statement.
- 7) Before the building hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced in accordance with details previously submitted to and approved in writing by the local planning authority and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
 - 8) No building shall be occupied or use commenced 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.
 - 9) No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details which shall previously have been submitted to and approved in writing by the local planning authority. The refuse and recycling facilities shall be permanently retained thereafter.
 - 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse hereby permitted without the express permission in writing of the local planning authority.
 - 11) 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; 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.
 - 12) 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 submitted and approved plan,) shall be formed in the flank walls of the building 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.
 - 13) The dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
 - 14) All hard surfaces hereby approved as part of the development (including any sub-base) shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the application site.
 - 15) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.