
Appeal Decision

Site visit made on 13 April 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/B5480/W/21/3287271

87 Arlington Gardens, Romford, RM3 0EB

- 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 M Pacitto against the decision of Havering London Borough Council.
 - The application Ref. P1651.21 dated 25 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is front extension to existing bungalow and creation of 1 x 4 bedroom detached bungalow within rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for front extension to existing bungalow and creation of 1 x 4 bedroom detached bungalow within rear garden at 87 Alington Gardens, Romford, RM3 0EB in accordance with the terms of the application, Ref P1651.21, dated 25 August 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary matters

2. Subsequent to the decision on the appeal application, and the submission of this appeal, the council adopted the Local Plan 2016-2031 (on 17 November 2021) (LP21) which replaces the Core Strategy and Development Control Development Plan Document (DPD). Relevant policies from the new plan have been supplied to me. I have taken the new Plan and its policies into account in determining this appeal.

Main Issues

3. The main issues in this case are: i) would the proposal be visually intrusive and harmful to the setting of the host dwelling and to the appearance of the surrounding area; ii) would the proposed development effect the living conditions of neighbouring occupiers; iii) would the proposed development endanger the health of trees on the site that are of biodiversity or scenic value; and iv) is the proposed provision of car parking likely to be inimical to the promotion of sustainable travel.

Reasons

4. As mentioned in paragraph 2 above, LP21 has replaced the Core Strategy and Development Control DPD. I consider that the most relevant policies of the new plan, in respect of this appeal, are policies 10 (Garden and backland development), and 24 (Parking provision and design).

5. Before turning to the specific issues in the case, since LP21 Policy 10 'Garden and backland development' explicitly deals with the type of development proposed in this appeal. I consider that it is helpful to look at its provisions first. It states:
- "Proposals for residential development on garden land and backland site in Havering will be supported when they:*
- i. Ensure good access and, where possible, retain existing through routes;*
 - ii. Retain and provide adequate amenity space for the existing and new dwellings;*
 - iii. Do not have a significant adverse impact on the amenity of existing and new occupants;*
 - iv. Do not prejudice the future development of neighbouring sites;*
 - v. Do not result in significant adverse impacts on green infrastructure and biodiversity that cannot be effectively mitigated and;*
 - vi. Within Hall Lane and Emerson Park character areas"*
6. Taking these criteria in turn, good access is proposed to the appeal dwelling and through routes are not affected. Adequate amenity space is provided for the host dwelling and the proposed dwelling. I will deal with criterion iii under the second issue. The proposed development would not prejudice any future development of a neighbouring site. I deal with criterion v under the third issue; vi is not applicable in this case as the site is not in either of the specified areas.

Would the proposal be visually intrusive and be harmful to the setting of the host dwelling and to the appearance of the surrounding area?

7. Since the site is at the end of Arlington Gardens, which is a cul-de-sac, it is only the immediate surroundings, including the setting of the host dwelling and its immediate neighbours that are of concern. It is important, as a general remark, to note that the urban areas of the borough are highly built up and that much of the remainder is Green Belt. No doubt that may be a reason for the support of garden and backland development given by Policy 10. And the poor outcomes of the Housing Delivery Test for the borough give further impetus to the value of 'windfall' sites.
8. The proposal involves the removal of the front element of the host dwelling that extends forward, and erecting a replacement element on the other side, together with the demolition of its garage. This opens up the ability to provide a wide enough access into the land at the rear. From the end of Arlington Gardens, the proposed private drive and part of the western elevation of the proposed bungalow would be visible between Nos.87 and 89, but only when in the immediate vicinity because the entrance is off-set to the axis of the road. Thus, whilst seen as an element that is not in conformity with the general layout, I would not describe it as visually intrusive or harmful to the setting of the host dwelling or its neighbours, including the neighbour immediately next to the appeal site at No.89.

Would the proposed development effect the living conditions of neighbouring occupiers?

9. In respect of neighbours' living conditions, it is only No. 89 that would be potentially affected in any material way, as the vehicles from an additional dwelling would not be sufficient to have an effect on the road generally. My attention has been drawn to the bay window of a bedroom at the front of

No.89, that is separated from the proposed access by the driveway to its garage. The concerns particularly relate to the amount of vehicular and pedestrian traffic that would be generated. However, this would be unlikely to occur 'day and night' as suggested, or to be more than arises from the other dwellings in the Arlington Gardens. Most of the activity of parking, unloading, etc, would occur well away from this bedroom, by the side of the proposed bungalow.

10. At my site visit I paid particular attention to the possible disturbance to occupiers of this bedroom from the headlights of cars entering the site at night, which could be a worry. Any vehicle coming up Arlington Gardens towards the head of the cul-de-sac would have its headlight pointing at No.89; but assuming the headlights were 'dipped' as they should be, the degree of illumination in the bedroom the subject of concern, should be minimal. Once a vehicle has reached the point at which it would turn into the appeal site, the headlights' beams would rise in level because of the drive being slightly higher than the carriageway, but by this time the car would be pointing down the new driveway and away from No.89. In addition, one would expect a bedroom to be curtained at night.
11. Concern is also raised about disturbance and loss of privacy at No.89 and its garden. Since the proposed dwelling would be a bungalow, normal 1.8m high garden fencing would be sufficient to prevent such a problem, whilst the existing conifer hedge certainly provides a full screen at present. Therefore, both from the point of view of general activity, loss of privacy at the rear, and from the more specific matter of disturbance due to headlights illuminating the bedroom of No.89, in my judgement the proposed development would not materially affect the living conditions of the occupier of that property.

Would the proposed development endanger the health of trees on the site that are of biodiversity or scenic value?

12. I see from the officer's report that there was no site visit undertaken before the appeal planning application was refused, due to restrictions because of the Covid-19 pandemic. I have the advantage of visiting the site and having a full appreciation of the nature of trees and shrubs on the site. The boundary with the rear garden of No.89 is marked by a thick stand of *Cupressus leylandii* (or similar species). Similarly, the boundaries of the site with the rear gardens of properties in The Drive and with the access track at the rear of Newhall Drive are marked with mainly deciduous hedging plants.
13. In the corner of what would be the rear garden of the proposed dwelling, against the boundary with the access track to the Newhall Drive, there is an oak tree, which is the only tree of notable importance on the site. This tree is a rather small and, in my opinion, poor specimen, having apparently at some time been reduced to a height of perhaps 4m or so, from which branches have since radiated from what is left of the trunk. However it retains a value as of some visual importance and no doubt is beneficial to biodiversity. There is no reason why the proposed development should affect this tree, and a condition could be imposed to protect it during the construction period. Within the centre of the site there are ornamental shrubs that would be lost, which would be acceptable when set against the value of an additional dwelling.

Is the proposed provision of car parking likely to be adverse to the promotion of sustainable travel?

14. The site has a public transport access level (PTAL) of 1b (very poor). Policy 24 of LP21 deals with parking provision and design. It includes the statement that *"London Plan maximums standards apply across the borough"*, and then continues *"In areas of the borough that have low public transport assess (PTAL 0-1) where no improvements are planned, the minimum residential parking standards set out in Table 11 (below) will also apply"*. Table 11 'Minimum Parking – PTAL 0-1 (Outside of the Opportunity Areas)' specifies for dwellings of 3+ bedrooms, (as applicable here) 1.5 spaces per unit. I note that these are minimum standards. Since a single dwelling cannot be provided sensibly with a space and a half, in this case, 2 spaces must be the minimum requirement, and therefore the 2 spaces for the occupiers plus an additional space for a visitor cannot be regarded as contrary to this policy.
15. I also note that in the schedule of conditions that the council put forward in the event that the appeal is successful, condition 10 requires that *"Before the building hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose"*. In the light of these factors, I cannot conclude that the proposed provision of car parking is likely to be significantly adverse to the promotion of sustainable travel.

Other matters

16. In paragraph 7 above I have mentioned the council's recent record of the number of homes built in the borough in recent years. This can be taken as bringing a presumption in favour of allowing the development of additional dwellings. However, as I am allowing the appeal, it is not a matter that I need deal with further. I have taken account of all other matters raised, including noise and disturbance during the construction period, and the mention of a restrictive covenant on the 'Kings Hill Estate' said to prevent more than 1 house per plot. The former would be for a limited period, whilst the latter is a civil, not a planning matter.

Conclusions

17. Following my reasoning above I have concluded that the proposal would not be visually intrusive and harmful to the setting of the host dwelling and to the appearance of the surrounding area. Nor would it affect the living conditions of neighbouring occupiers to a material degree. It would not endanger the health of trees on the site that are of biodiversity or scenic value, and since the proposed provision of car parking meets the relevant standards, it would not be inimical to the promotion of sustainable travel. I will therefore allow the appeal.

Conditions

18. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; condition 4 is to minimise disturbance and nuisance to neighbours during the construction process; condition 5 is to minimise and

make the most efficient use of mains water; condition 6 is to avoid loss of privacy to neighbouring occupiers; condition 7 is to ensure that control can be exercised over curtilage buildings so that there is no loss of amenity to neighbouring occupiers; condition 8 is to ensure that Part M4 (2) of the Building Regulations applies to provide choice for a diverse population; condition 9 is to ensure that the development is well landscaped to the benefit of visual amenity and biodiversity, including the matter dealt with in paragraph 13 above; condition 10 is to ensure adequate parking provision to safeguard highway safety and convenience; condition 11 is to minimise emissions from the building to protect local air quality.

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 be carried out in complete accordance with the approved plans and drawings Nos. a-g1, AGHW-02, AGHW-03
- 3) Other than work involved in the demolition of the garage, no part of the development hereby approved shall be carried out until samples of all materials to be used in the external construction of the buildings are submitted to and approved in writing by the local planning authority and thereafter the development shall be constructed with the approved materials.
- 4) All building operations and the playing of amplified music in connection with the approved development 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.
- 5) The dwelling hereby approved shall comply with Regulation 36 (2) (b) and Part G2 of the Building Regulations - Water Efficiency.
- 6) 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 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.
- 7) 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 dwellinghouse hereby permitted, or any detached building erected, without the express permission in writing of the local planning authority.
- 8) The dwelling hereby approved shall be constructed to comply with Part M4 (2) of the Building Regulations - Accessible and Adaptable Dwellings.
- 9) Other than work involved in the demolition of the garage, no part of the development hereby approved shall be carried out until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and shrubs on the site, and details of any to be retained, together with measures for their protection in the course of development. 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.

- 10) Before the bungalow hereby permitted is first occupied, the area set aside for car parking shall be laid out and surfaced and retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
- 11) Before the bungalow hereby permitted is first occupied, details shall be submitted to and agreed in writing by the local planning authority for the installation of Ultra-Low NOx boiler with maximum NOx Emissions less than 40 mg/kWh, and the boiler to the agreed details shall be installed. Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boiler shall be carried out in strict accordance with the agreed details and shall thereafter be permanently retained. Following installation, emissions certificates shall be provided to the local planning authority to verify boiler emissions, and no occupation shall take place until the authority notifies the developer that the emissions so certified are satisfactory.