



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/21/3286935

93 Parkstone Avenue, Hornchurch, RM11 3LP

- 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 Singh against the decision of Havering London Borough Council.
 - The application Ref. P1097.21 dated 4 June 2021, was refused by notice dated 17 August 2021.
 - The development proposed is a 3 storey, 5-bed dwelling with habitable roof space, associated parking and amenity space, involving demolition of existing building.
-

Decision

1. The appeal is allowed and planning permission is granted for a 3 storey, 5-bed dwelling with habitable roof space, associated parking and amenity space, involving demolition of existing building at 93 Parkstone Avenue, Hornchurch, RM11 3LP in accordance with the terms of the application, Ref.P1097.21 dated 4 June 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary matters

2. The council's decision notice in this case made reference to policies of the Core Strategy and the Development Control Policies Development Plan Document Adopted in 2008. These have now been superseded: Havering Local Plan (2016-2031) was adopted on 17 November 2021 (LP21). There are 3 new policies now referred to by the council, Policies 7 (Residential Design and Amenity), 26 (Urban Design) and 28 (Heritage Assets). The Emerson Park Supplementary Planning Document (SPD) has also been carried forward by the new Local Plan. Since these are the up-to-date development plan policies, it is appropriate that I take them into account.

Main Issues

3. The main issues in this case are: i) the effect on the street scene and the character of the area; ii) the effect on the living conditions of the adjoining neighbours.

Reasons

The effect on the street scene and the character of the area

4. The starting point is the development plan. Since the Emerson Park Policy Area SPD elaborates policy from the council's development plan documents and is specific to the area within which the appeal site sits, it is germane to the

issues. I therefore consider that it provides the primary policy framework against which to judge the appeal proposal

5. The site is within Sector 6 of the Emerson Park Policy Area. In respect of new dwellings, it sets out the following criteria:
- *"Be limited to infill development of existing frontages at plot sizes equivalent to immediately surrounding properties. Redevelopment will not be permitted where it will materially increase the existing density of the immediately surrounding area;*
 - *Be of detached, single family, large and architecturally varied dwellings;*
 - *Provide a minimum plot width of 23m which should be achieved at both the road frontage and building line.*

In relation to new dwellings and extensions to existing dwellings and the resultant space between buildings, each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained. In every case, the space that is retained between buildings should reflect the character of the street scene in the immediate surroundings.

The minimum requirement will be that no part of any new building or extension to an existing building will be permitted to be built within a minimum of 1m from an adjoining common party boundary at ground floor or 2m at first floor. It is emphasised, however, that these are minimum requirements and that in the majority of cases, the Council will expect them to be exceeded"

6. Taking the above criteria in turn, the plot size is equivalent to the immediately surrounding properties and, as a 5 bedroom house, there is no material increase in density. Bullet point 2 is met without need for comment. Bullet point 3 has the 23m plot width minimum requirement; since on the Block Plan at the scale of 1:500 at A1 (drawing 03793-002), the plot measures 25m, this point is met.
7. Turning to the remaining criteria, dealing with space between dwellings, a new building should be a minimum of 1m from the boundary at ground floor level or 2m at first floor. Drawing No.03793-004A provides a dimension for the width of the proposed house from flank to flank as 23m (excluding the exterior part of the chimney stacks, which do not appear to me to be greatly material to this matter), which means that the proposed dwelling would be 1m off each side boundary. I appreciate that these dimensions are expressed as minimum requirements, but this is in the context that *"each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained"*.
8. Parkstone Avenue within Sector 6 of the Emerson Park Policy Area, is fairly typical of most of the sector. It consists primarily of 2 and 3 story dwellings, with only 1 bungalow in the immediate vicinity of the appeal site (next door) at No.95. There are a number of recent redevelopments that are on a similar scale to the appeal proposal, amongst them that next door at No.89. This fairly well fills the width of the site, is also of 3 stories with dormer windows and a hipped roof of similar height, permitted by the council in January 2018. Opposite the appeal site, at No.88 Parkstone Avenue, there is a redevelopment of similar scale and design although on a narrower site, again permitted by the council. I consider that the appeal proposal, like these 2 examples and a number of others, meet the criteria set out in paragraph 5 above. The effect of

the proposed dwelling will be to complement the street scene and the character of the area.

The effect on the living conditions of the adjoining neighbours

9. The neighbouring house to the west, No.89 mentioned above, is a recent construction, of a similar scale to the appeal proposal. I do not see that there would be any significant adverse effect on the occupiers of that dwelling from the current proposals. In making this judgement I have taken account of the representations made, but find that they lack any material evidence for the points relied upon. Furthermore, the statement that "wherever there is roof accommodation in the local area it is on chalet style buildings, where the accommodation is at first floor level" does not sit well when that dwelling has similar accommodation in the roof area to that here proposed, as do others.
10. To the east, at No. 95, is a bungalow with a rather high main roof, but well below that of its neighbours. It sits on a wide plot, similar to the appeal site, with the main structure set well off its boundaries. It has a screen of high mature trees on the boundary with the appeal site at the front. At the rear it is more open, but whilst the bungalow is set further back than the general building line, little of the proposed building would project beyond its rear elevation.
11. The proposed house is essentially of 2 storeys, since the basement has no apparent mass, and no visual effect. The accommodation at second floor level is within the roof, which is not unduly high, and there are no dormers in the eastern elevation. Whilst there are glazed windows and doors in the proposal at ground level, with adequate boundary screening these would be of no effect on this neighbour. The single window proposed at first floor level is to serve an en-suite bathroom - obscure glazing could be required by condition, so that no over-looking and loss of privacy would occur.
12. My judgement on this issue is that the proposed house would have a little more presence in the outlook from this neighbour than the existing house on the appeal site, but it is in the nature of this road that the majority of houses are substantial. I do not consider that the proposal would lead to any significant harm to the living conditions of the neighbour.

Conclusions

13. I have taken account of all other matters raised, including with regard to impacts of the proposed basement, flooding, structural stability, etc, but there is no evidence to support them. Nevertheless the council has suggested a condition that would require a Basement Impact Statement and Flood Risk Assessment which I consider would be a sensible precaution that would enable any issue identified to be appropriately dealt with. There is no evidence to suggest that a flood risk assessment should have been required at application stage: had there been, in its absence that would have been a reason for refusal.
14. None of these other matters suggests a different decision to that which I have reached. I conclude that the proposed dwelling will complement the street scene and the character of the area, and be in accord with the criteria set out in the Emerson Park Policy Area SPD. I also find that there would be no

material harm to the living conditions of the occupiers of the neighbouring properties.

Conditions

15. 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. Conditions 4, 5 and 13 are pre-commencement conditions that require the acceptance of the appellant before imposition. I consider that these need to be pre-commencement conditions because the matters that they control will need to be established before work on site commences, since the development includes substantial excavation for the basement which could have implications for immediate neighbours and others. The appellant has confirmed that the pre-commencement conditions are acceptable.
16. The appellant had a reservation in respect of proposed condition 10, removing permitted development rights for curtilage buildings, but left it as a matter for my judgement. No argument was put forward as to why such a condition would not serve a planning purpose. I consider that, with such an extensive site, there would be a wide scope for additional development within the curtilage that could have ramifications for the living conditions of neighbours, and that this justifies the requirement for submission of a planning application for any such proposal.
17. I consider that the conditions I impose are necessary 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 for the reason set out in paragraph 13 above; condition 6 is to minimise and make the most efficient use of mains water for reasons of sustainability; condition 7 is to ensure adequate parking provision to safeguard highway safety and convenience; condition 8 is to ensure that the development is well landscaped to the benefit of visual amenity and wildlife; condition 9 is to avoid water run-off from hard surfaces that would add to the risk of flooding; condition 10 is to ensure that control can be exercised over curtilage buildings so that there is no loss of amenity to neighbouring occupiers, for the reason that I have dealt with in paragraph 16 above; condition 11 is to minimise disturbance and nuisance to neighbours during the construction process; condition 12 is to ensure that Part M4 (2) of the Building Regulations applies to provide choice for a diverse population; condition 13 is required to prevent the risk of flooding; condition 14 is to minimise emissions from the building to protect local air quality; and conditions 15, 16 and 17 are to avoid loss of privacy to neighbouring occupiers.

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 HD/03793-001, HD/03793-002, HD/03793-003, HD/03793-004A, HD/03793-005, HD/03793-006, HD/03793-007, and HD/03793-008A.
- 3) The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 14 of the application form of the planning application ref. P1097.21 unless otherwise agreed in writing by the Local Planning Authority.
- 4) No development hereby approved shall take place 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) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authorities;
 - g) siting and design of temporary buildings;
 - h) 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.And the development shall be carried out in accordance with the approved scheme and statement.
- 5) No development hereby approved shall take place until a Basement Impact Statement, and Flood Risk Assessment have been submitted to and approved in writing by the Local Planning Authority. This statement shall include details regarding:
 - (a) Detailed site specific analysis of hydrological and geotechnical local ground conditions;

(b) Analysis of how the excavation of the basement may impact on the water table and any ground water floor, and whether perched water is present;

(c) Details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures;

(d) Details of measures proposed to mitigate any risks in relation to land instability;

(e) Demonstration of how cumulative effects have been considered.

(f) A comprehensive non- technical summary document of the assessments provided and information submitted against (a) to (e) of this condition.

The information submitted in relation to measures proposed to mitigate risks in relation to land instability and flooding shall include specific construction detailing and information on any equipment and its maintenance (including an ongoing management plan). The development shall thereafter be carried out in accordance with the approved details and measures.

- 6) The new dwellings hereby approved shall be designed to ensure that the internal water consumption does not exceed a maximum of 105 litres per day to comply with London Plan policy S15 and Regulation 36 (2)(b) and Part G2 of the Building Regulations – Water Efficiency
- 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 that shall have been submitted to, and approved in writing by the Local Planning Authority, and shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
- 8) No occupation of the new dwelling hereby approved shall take place 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.
- 9) 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.
- 10) 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 front porches, additions to roofs) shall be made to

the dwellinghouse(s) hereby permitted, or any detached building erected, 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; the delivery of materials; the removal of materials and spoil 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.
- 12) The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.
- 13) No development hereby approved shall take place until details of surface water drainage works are submitted to and approved in writing by the Local Planning Authority. Surface water drainage shall be provided in accordance with the approved details prior to the occupation of the development.
- 14) Prior to the first occupation of the development, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. 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 boilers shall be carried out prior to first occupation of the dwelling, 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.
- 15) 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.
- 16) The flat roof areas of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
- 17) The proposed windows on the side elevations of the dwelling shall be permanently glazed with obscure glass not less than 4 on the standard scale of obscurity which shall thereafter be maintained.