



Appeal Decision

Site visit made on 9 November 2022

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th April 2023

Appeal Ref: APP/B5480/W/22/3301212

84 Barton Avenue, Havering, Romford RM7 0ND

- 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 & Mrs Ghimbasan against the decision of the Council of the London Borough of Havering.
 - The application Ref P0384.22, dated 8 March 2022, was refused by notice dated 27 May 2022.
 - The development proposed is demolish outbuildings and erect new dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted to demolish outbuildings and erect new dwelling house at 84 Barton Avenue, Havering, Romford RM7 0ND in accordance with the terms of the application, Ref P0384.22, dated 8 March 2022, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - Whether suitable levels of car parking would be provided.

Reasons

Character and Appearance

3. The appeal site lies within a residential area on the outskirts of Romford, on a corner plot at the head of a cul-de-sac.
4. The host property is an end-terrace unit in a short terrace of 3 houses. It has a single-storey extension to the side which abuts the back edge of the pavement. The houses in the wider vicinity all feature a similar architectural style and comprise units that are detached, semi-detached and in terraced rows of varying length. The property features off-street parking via dropped kerbs to both the front and side. The rear and side boundaries comprise tall mature shrub planting and fencing which provides screening of the garden areas and buildings.
5. The development would create a terrace of 4 dwellings, with the design and detailing matching closely with that of the original 3-dwelling terrace. The position of the feature bay windows would echo those of the adjoining

dwellings. Owing to the positioning of windows, the creation of a 4-dwelling terrace would create a sense of symmetry to the front elevation that the existing 3-dwelling terrace does not currently provide. It would also feature inclusive design details already found in the area such as the staggered side elevation and stepped eaves line.

6. The proposed development would be more prominent in the street scene than the existing development on the site as a result of its scale and would result in some loss of openness on this corner, particularly at first floor height. However, the dwelling would have space around it, and it would not appear cramped within the plot given the tapered nature of the side boundary and the separation distances to nearby dwellings. Moreover, the reduction in openness would be small and localised, with the separation between the side of the new dwelling and the dwellings on the opposite side of the road being similar to the arrangement found in other parts of the street.
7. Though the 2-storey massing would step beyond the corresponding front building line of the dwellings to the rear, the property currently benefits from tall vegetation to the side and rear, which would screen views of the proposed development and retain a strong sense of separation. However, even if this vegetation were removed, the inclusive design of the development and notable separation between the buildings to the rear would ensure that the development would not be intrusive in the streetscene.
8. There would be a staggered 2-storey rear projection topped by a pair of hipped roofs with a valley running between them. The roofs would feature matching profiles and pitch angles but would differ in height due to the staggered rear building line. Whilst the overall design solution of two separate hipped roofs is not a specific characteristic of the area, the larger and more prominent hipped roof would sit closest to the public highway and would largely screen views of the smaller roof from most public vantage points. Though it would be more prominently visible from neighbouring gardens, it would be viewed in the context of nearby development and would appear compatible with the surrounding streetscene. I do not find any specific harm to arise as a result of the scale, bulk, width, massing or siting of the proposed development.
9. For the above reasons, the proposed development would respect the character and appearance of the area and would accord with Policy 26 of the Havering Local Plan 2016-2031 (Adopted November 2021) (the HLP), which seeks to promote high quality design which, among other objectives, respects, reinforces and complements the local streetscene, and responds to distinctive local building forms and patterns of development.

Car Parking

10. The London Plan (March 2021) (the LP2021) states that the maximum parking standards set out in Policy T6.1 of the LP2021 should be applied to development proposals. The proposed dwelling would have 3 bedrooms and the site has a Public Transport Accessibility Level (PTAL) of 2, which according to Policy T6.1 equates to a maximum provision of 1 parking space per dwelling.
11. The proposed development would provide 2 spaces for the existing house and a further 2 spaces for the proposed new house via a secondary access from the side. The submitted plans do not specifically set out the existing parking arrangement. However, I noted at my visit that the existing arrangement

appeared to match what is proposed, with 4 parking spaces available for the use of the existing house.

12. On the basis of the Council's concern regarding over-provision of parking, the appellant has suggested this could be resolved by the imposition of conditions, including by securing a scheme of landscaping and limiting the number of parking spaces. Such conditions would ensure that only one-off street parking space was available to the intended future occupiers of the new dwelling. The Council would be able to ensure that the car parking would be safe through the submission and approval of details prior to implementation.
13. I note the concerns of some neighbours regarding parking pressures on the street, and the implication that the development would benefit from more parking rather than less. However, I must determine the appeal based on the development plan policies before me.
14. For the above reasons, the proposed development would provide suitable levels of car parking in accordance with Policy 24 of the HLP and Policies T2, T6 and T6.1 of the LP2021, which together seek to provide appropriate standards for parking to reduce the dominance of vehicles on London's streets and support sustainable transport choices.

Other Matters

15. I note some objections have been received from neighbouring occupiers on matters such as the lack of need for houses in the street, and noise and disturbance resulting from the development. The principle of the development is not a matter in dispute and the supply of new homes is strongly supported by the National Planning Policy Framework (the Framework). Due to the scale and nature of the development, it is unlikely that noise nuisance during construction would be over and above what would be expected of a development of this nature, nor would this occur for a prolonged period. As such, in all probability nearby occupiers' enjoyment of their properties would not be harmfully affected by the development.
16. Objections have also referred to the potential for the development to be a commercial enterprise or a house in multiple occupation (HMO), and potential future issues with the resale of the property through the subdivision of the outbuilding in the garden. I have assessed the proposal based on the details before me, which show it would be a private dwelling, and I could not speculate on any future developments or changes of use that may or may not take place. The issue of the outbuilding in the garden is a private matter to be resolved by the landowner as and when the plots are divided, and I have given limited weight to this matter.

Conditions

17. The Council has submitted a list of suggested conditions it would wish to see imposed in the event of the appeal being allowed and the appellant has confirmed their agreement to the list as suggested. I have reviewed the list against the tests set out in Paragraph 56 of the Framework and the Planning Practice Guidance (the PPG). I have amended and, in some cases, omitted certain conditions to ensure compliance with the Framework and PPG.
18. In addition to conditions relating to the statutory timescale and a list of approved plans for the purposes of clarity, a condition requiring the materials

to match the details set out in the application form is necessary to protect the character and appearance of the area.

19. Conditions requiring the submission of a surface water drainage strategy and installation of water consumption measures are necessary to ensure the development prevents flooding and uses water sustainably. A separate condition regarding hard surfaces is not necessary and such details can be secured by the surface water drainage strategy condition.
20. Conditions requiring details of parking areas, landscaping and boundary treatments are necessary to secure the parking provision and to protect the character and appearance of the area.
21. A condition requiring the submission of details of cycle storage are necessary to protect the living conditions of occupiers, the character and appearance of the area and to promote sustainable transport. Refuse storage arrangements are shown on the submitted plans and can be secured through a compliance condition in the interests of protecting the character and appearance of the area and highway safety. A condition requiring the approved dwelling to meet Part M4(2) of the Building Regulations is necessary to ensure compliance with Policy D7 of the LP2021.
22. Conditions have been suggested to remove permitted development rights for hard surfaces, future extensions, enlargements and alterations, and windows in the flank wall of the development approved. However, the PPG advises that the removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. In this case, given the limited scale of development, the details submitted to date and the additional details secured by condition, I do not find it would be reasonable or necessary to impose such conditions.
23. For reasons of the scale of the development and limited policy basis, I do not find the suggested conditions relating to construction methodology, hours of construction or boiler specification would be reasonable or necessary and would therefore not meet the tests set by the Framework.

Conclusion

24. Taking all above matters into account, I conclude that the proposed development accords with the development plan taken as a whole and the appeal should be allowed subject to conditions.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg Ref: 2022/02/84BA – Location Plan, Block Plan, Proposed Plans and Elevations, Proposed Sections.
- 3) The development hereby permitted shall be constructed in accordance with the materials detailed under the 'Materials' section of the application form.
- 4) The development hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The submitted scheme shall include full details of drainage for all hard surfaces. The approved details shall be retained thereafter.
- 5) Notwithstanding condition 2, the development hereby permitted shall not be occupied until a scheme showing parking provision for a maximum of one vehicle for the new dwelling has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the dwelling and retained thereafter for the parking of vehicles.
- 6) The development hereby permitted shall not be occupied until a scheme of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.
The scheme shall include: details of all existing trees and hedgerows on the land to be retained and measures for their protection throughout the course of development; details of all proposed trees and plants; and details of all boundary treatments.
The scheme shall be implemented in full no later than the end of the first planting season following first occupation of the development.
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.
- 7) The development hereby permitted shall not be occupied until cycle storage is provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle storage shall be permanently retained thereafter for the storage of cycles.
- 8) The approved dwelling shall not be occupied until the Building Regulations Optional Requirement M4(2) has been complied with.

- 9) The approved dwelling shall not be occupied until the Optional Requirement of the Building Regulations (residential development), to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) has been complied with.
- 10) The refuse storage arrangements shown on the approved plans shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and retained thereafter for the storage of refuse.

**** End of conditions ****