



Appeal Decision

Site visit made on 7 September 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2024

Appeal Ref: APP/B5480/W/22/3311681

2 New Zealand Way, Havering, Rainham RM13 8JP

- 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 Nicola and David Childs against the decision of the Council of the London Borough of Havering.
 - The application Ref P1288.22, dated 12 August 2022, was refused by notice dated 7 October 2022.
 - The development proposed is demolition of existing garage and shed, construction of a new two storey two bedroom 3 person dwellinghouse connected to the existing dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and shed, construction of a new two storey two bedroom 3 person dwellinghouse connected to the existing dwellinghouse, at 2 New Zealand Way, Havering, Rainham RM13 8JP, in accordance with the terms of the application, Ref P1288.22, dated 12 August 2022, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a semi-detached house in a predominantly residential area. It occupies a plot on the corner of New Zealand Way and Dunedin Road, with the appeal property and its adjoining pair facing diagonally on to the junction.
5. New Zealand Way follows a gently curving route. As such, the dwellings fronting it exhibit a degree of variation in terms of their building lines and the angles at which they relate to the street frontage. This is also true of some other streets leading off it, including Burwood Gardens and Gisborne Gardens.
6. The existing dwelling retains a reasonable separation between its side elevation and the edge of the New Zealand Way footway. This is sufficient to enable the proposed new dwelling to follow the prevailing front and rear building lines of

the host property and reflect the form and proportions of the adjoining dwellings whilst retaining a gap to the boundary with the footway.

7. The neighbouring dwellings within New Zealand way are mainly semi-detached, including those occupying similar corner plots to the appeal site. Whilst the proposal would disrupt the symmetry and reduce the spaciousness that the site currently exhibits, the same can be said of several other similar plots within the area that have made use of the available land to the side to extend, and in some cases to construct additional dwellings. One pertinent example is on the corner of New Zealand Way and Burwood Gardens, where a new dwelling has been constructed adjacent to the original semi-detached pair resulting in a development of similar appearance and relationship to the street as is proposed in this instance.
8. The neighbouring example makes positive use of the land and does not appear intrusive, cramped, or to unduly reduce the open character of the area. Whilst there are some differences in the siting and proportions of the proposal compared to the neighbouring example, both would have similarities in their visual appearance and relationship with adjacent development and land. Although the Council notes that the neighbouring example has a greater separation distance from the edge of the footway, based on my observations at my visit, any difference was not clearly apparent, and the proposed development would retain a suitable separation. The overall effects of the two developments on the character and appearance of the area would therefore be broadly comparable, and not harmful.
9. For the above reasons, the proposed development would reflect the prevailing pattern of development in the area and would not appear unacceptably dominant, visually intrusive, or result in a cramped form of development that would adversely affect the area's open character. It would therefore not be harmful to the character and appearance of the area and would accord with Policies 7 and 26 of the Havering Local Plan 2016-2031 – Adopted November 2021, which together seek, among other objectives, for residential development to be of inclusive and high quality design that is informed by, respects and complements the distinctive qualities, identity and character of the site and local area.

Conditions

10. The Council has provided a list of suggested conditions that I have considered against the provisions of paragraph 56 of the Framework and the Planning Practice Guidance (the PPG). To ensure compliance with these provisions I have amended, and in some cases omitted, certain conditions.
11. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. Conditions requiring details of external materials and boundary treatments are necessary to protect the character and appearance of the area and the living conditions of the occupiers of neighbouring properties.
12. A condition requiring hard surfaced areas to be constructed of porous materials or to direct surface water run-off to a permeable or porous area to drain naturally is necessary to minimise the risk of surface water flooding.

13. Conditions requiring the development to meet optional requirements of the Building Regulations are necessary to ensure compliance with the development plan.
14. Conditions have been suggested to remove certain permitted development rights. 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 scale of development and the limited justification provided for the imposition of such conditions, I do not find their imposition would be reasonable or necessary.
15. A suggested condition to limit construction hours is not necessary as unreasonable levels of disturbance could be addressed through other regulatory regimes. I am provided with limited justification for the imposition of a suggested condition relating to boiler specifications, and accordingly I do not find this to be necessary or reasonable. It is also not necessary to secure Community Infrastructure Levy payments by condition.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

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:

Site Plan and Block Plan – 790/01 Rev D

Proposed Drawings – 790/02 Rev D
- 3) No above ground works shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) The development hereby permitted shall not be occupied until details of all proposed walls, fences and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the development and retained thereafter.
- 5) The development hereby permitted shall not be occupied until the hard surfaced areas forming part of the approved development (including any sub-base) have been constructed of porous materials or provision has been made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The hard surfaced areas shall be retained as such thereafter.
- 6) The approved dwelling shall not be occupied until the Building Regulations Optional Requirement Part M4(2) (Accessible and adaptable dwellings) has been complied with.
- 7) The approved dwelling shall not be occupied until the Building Regulations Optional Requirement Part G2 (Water efficiency) has been complied with.

**** End of conditions ****