



Appeal Decision

Site visit made on 27 November 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/B5480/W/23/3323074

54 Squirrels Heath Road, Romford RM3 0LJ

- 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 D. Thursting, Selt Property Holdings Ltd, against the decision of the Council of the London Borough of Havering.
 - The application Ref P0442.23, dated 15 March 2023, was refused by notice dated 18 May 2023.
 - The development was originally described as proposed single storey side extension to form flat.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension to form 1-bed flat and drop kerb, involving demolition of existing garage to rear at 54 Squirrels Heath Road, Romford RM3 0LJ in accordance with the terms of the application, Ref P0442.23, dated 15 March 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023, updated 20 December 2023. In the interests of natural justice, both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.
3. The description of development in the banner heading has been taken from the planning application form. It is different to that on the decision notice. Whilst no confirmation has been provided that the change of wording was agreed by both parties, the appellant has confirmed they have no objection to the appeal proceeding on the altered description. The description of development from the decision notice includes all elements of the proposal. I have therefore used that description for my decision.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and whether adequate parking provision would be provided, including the effect on highway safety.

Reasons

Character and appearance

5. The site comprises a two storey detached building which sits on a corner plot with a generous front and rear garden. The building has a distinctive design due to the shape and height of the roof. Although the neighbouring building broadly shares the same design and form, the street scene is characterised by detached and semi-detached properties of varying styles and designs. As such, there is not a uniform street scene.
6. The appeal building is viewed in the context of Squirrels Heath Road and Redden Court Road, as opposed to Douglas Avenue. At my site visit, I observed that the building line along Redden Court Road is varied. The building line is disrupted by the front projections of some of the properties. Given this context, although the proposed extension would extend further than the front building line of 2 Redden Court Road, it would not amount to an unacceptable encroachment onto the street scene at this junction.
7. Although the extension would occupy a prominent position, it would be built with matching materials and would take various design cues such as fenestration and hipped roof form from the appeal building. It would therefore not be an incongruous addition and would be in keeping with the character of the building.
8. The extension would have a wide footprint. However, a gap would be retained between the building and the side boundary treatment. This would be similar to the adjacent corner property at the junction of Redden Court Road, which is built close to the side boundary. I am therefore unable to identify any specific harm to the local pattern of development.
9. For these reasons, I find that the development would not cause harm to the character and appearance of the area. Consequently, there would be no conflict with Policies 7, 10 and 26 of the Havering Local Plan 2016 – 2031 (the LP). Amongst other things, these policies seek development to be of a high quality design that respects the local area and complements the street scene. The development would also comply with part c) of paragraph 135 of the Framework as it would be sympathetic to local character.

Parking provision and highway safety

10. Policy 24 of the LP sets out that London Plan maximum standards apply across the Borough. The Council confirms in the Officer Report that in this location Policy T6 of the London Plan 2021 requires 0.75 spaces per dwelling. As three parking spaces would be provided, the level of provision would comply with this standard.
11. The Council's concerns relate to the proposed dropped kerb and its failure to meet the standards. In the Officer Report and statement of case, the Council refer to 3.12 of the vehicle crossover policy which states that a crossing application will not be approved if it is located within 10 metres of a junction due to highway safety. However, there is no mention of this policy in the reason for refusal. Its status in relation to the development plan is not clear and it has not been referred to as a Supplementary Planning Document. On this basis, I give this conflict limited weight.

12. The policies and guidance listed in the reason for refusal on the Council's decision notice also make no reference to a requirement for a 10m distance from junctions. It is therefore not clear as to where this 10m distance should be measured from.
13. The appellant's Statement of Case indicates that based on their measurements the dropped kerb would be positioned no closer than 10.3m from the junction. The Council have not refuted how this has been measured. As such, whilst I accept this distance is not shown on the proposed plans, without substantive evidence to the contrary, I see no reason to regard the appellant's measurements as untrue.
14. Notwithstanding the physical measurements, from my observations, Squirrels Heath Road is straight and roadside parking is precluded, thereby enabling views along this part of the road to be generally unobstructed. As such, there would be good visibility in both directions along the road, as well as seeing any vehicles coming from Redden Court Road, when entering and exiting the appeal site. Furthermore, this section of the road has a wide verge. Consequently, vehicles would be able to exit the site with space to wait and check it is safe to go, even in reverse gear, before reaching the highway.
15. Given the distance from the junction, when a vehicle is entering the appeal site, it is unlikely that this could be misinterpreted by other drivers as intending to turn into Redden Court Road. The dropped kerb would signal driver awareness of the likelihood of cars entering or exiting the site. Vehicles approaching the junction from Redden Court Road would give way at the junction and would also have good visibility of any vehicles leaving the appeal site.
16. The width of the road, combined with the good visibility from the appeal site outlined above and in the absence of any substantive evidence to the contrary, it is unlikely the proposed dropped kerb would have a detrimental effect on highway safety.
17. I recognise there are limited on-road parking options near the appeal site. Nonetheless, even if I were to accept that the dropped kerb cannot be implemented and there would be no off-road parking provision, I do not have any substantive evidence before me to suggest that the pressure for car parking in the area is so great that any additional demand for parking would lead to inconsiderate parking to the detriment of highway safety and the free flow of traffic.
18. Based on the evidence from the submissions and the findings from my site visit, I find that adequate parking provision would be provided and would not have an adverse effect on highway safety. The proposal would therefore not conflict with Policy 24 of the LP and the Residential Extensions and Alterations Supplementary Planning Document 2011, which amongst other things, seek parking that is close to people's homes and avoids pedestrian and vehicular conflict.
19. The Council have also referred to Policy 26 of the LP in the reason for refusal relating to this issue. However, this policy does not readily relate to parking and highway safety, being more concerned with design issues. This policy is therefore not determinative in my assessment of this main issue. The reason

for refusal also refers to the Highway Act 1980, however, this is separate legislation to my assessment under the Town and Country Planning Act 1990.

Other Matters

20. The maintenance of the windows, chimney and roof, would be a civil matter between the relevant landowners and freeholders. There is no substantive evidence before me to show that a new water supply would be required. The Council consulted Thames Water and Anglian Water who raised no such concerns.
21. Noise and disturbance from the development can be controlled by condition. The timescales for the construction of the development are not a matter relevant to the planning merits of this case.

Conditions

22. The Council has supplied a list of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG) and made amendments and minor corrections where necessary to ensure clarity and compliance with the tests as set out in the Framework.
23. In addition to the statutory time limit condition, I have imposed conditions specifying the approved plans for certainty, requiring samples of the external materials of the extension, details of hard and soft landscaping and details of boundary treatments are necessary in the interests of the character and appearance of the area. Ensuring appropriate boundary treatment is provided is also necessary to prevent direct overlooking to the neighbouring garden. To protect the living conditions of neighbouring occupiers, a condition restricting the hours of construction is necessary.
24. A condition to secure refuse and recycling facilities is necessary to protect the character and appearance of the area as well as the living conditions of existing and future residents. In the interests of highway safety, a condition requiring the car parking area on site to be provided and retained to secure suitable parking arrangements is necessary and relevant to the development.
25. The condition with respect to boiler emissions is necessary to comply with Policy 33 of the LP in the interests of air quality. I am provided with limited justification for the imposition of suggested conditions relating to water efficiency and space standards. As I have not been provided with copies of the policies listed in these conditions, I am unable to conclude that such conditions are necessary or reasonable.
26. The Council has suggested conditions to remove permitted development rights. These permitted development rights are currently reserved for dwellinghouses and do not include flats. As the development relates to a flat, it would be unable to utilise permitted development. These conditions are therefore not necessary.
27. Whilst not mentioned in the Council's suggested list of conditions, I note that the Highway Authority requested for a construction method statement to be secured by condition. As the proposal relates to the construction of a single storey extension, given the scale of the development, this condition would not be reasonable.

Conclusion

28. The proposal complies with the development plan, read as a whole. Therefore, the appeal is allowed.

L Reid

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 accordance with the following approved plans:

2022/02/54SH SHEET 05 of 10 – Site Location Plan
2022/02/54SH SHEET 06 of 10 – Proposed Ground Floor Plan
2022/02/54SH SHEET 07 of 10 – Proposed roof level
2022/02/54SH SHEET 08 of 10 – Proposed Site, Proposed Front Elevation, Proposed rear Elevation, Proposed side Elevation
2022/02/54SH SHEET 09 of 10 – Proposed Section A-A, Proposed Section C-C, Proposed Section D-D
2022/02/54SH SHEET 10 of 10 – Block plan
3. No development above ground level shall take place in relation to any of the development hereby approved until a written specification of external walls and roof materials to be used in the construction of the extension hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be constructed with the approved materials.
4. No development above ground level shall take place in relation to any of the development hereby approved until 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 the protection in the course of development, has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the first occupation of the 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.
5. 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.

6. 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 8.00 am and 6.00 pm Monday to Friday, and between 8.00 am and 1.00 pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
7. The development hereby permitted shall not be occupied until details of the refuse and recycling facilities have been submitted to, and approved in writing, by the Local Planning Authority. The approved facilities shall be installed prior to the first occupation of the development and retained thereafter.
8. Prior to first occupation of the development hereby permitted, the area set aside for car parking shall be retained permanently thereafter for the accommodation of vehicles and shall not be used for any other purpose.
9. 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 in strict accordance with the agreed details and shall thereafter be permanently retained. Following installation emissions certificates will need to be provided to the Local Planning Authority to verify boiler emissions.