



Appeal Decision

Site visit made on 13 March 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/B5480/W/23/3325209
370 Mawney Road, Romford, RM7 8QP

- 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 Lauren Nikolla against the decision of the Council of the London Borough of Havering.
 - The application Ref P0574.23, dated 12 April 2023, was refused by notice dated 12 June 2023.
 - The development proposed is a two storey, 3 bed terraced dwelling with associated parking and amenity space, involving the demolition of the existing garage and single storey rear extension to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey, 3 bed terraced dwelling with associated parking and amenity space, involving the demolition of the existing garage and single storey rear extension to existing dwelling in accordance with the terms of application ref: P0574.23 dated 12 April 2023, and subject to the conditions provided at Annex A at the end of this decision.

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published in December 2023, after the date the appeal was lodged. However, the relevant policies have not materially changed therefore I have not sought further comments from the parties. In any event I note that final comments were received after this date.

Main Issue

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

Reasons

4. The appeal site comprises a two-storey end of terrace dwelling located on the corner of Mawney Road, a reasonably busy main road, and Percy Road, a quiet side road, within a residential area. The dwellings within the immediate area are of mixed style and type including terraced, semi-detached and detached.
5. The existing dwelling, No. 370, occupies a relatively large plot with the appeal site comprising the southern half which fronts Percy Road. There is currently an attached double garage together with single and two storey additions to the side of the dwelling to the front part of the appeal site with the rear part comprising the southern half of the rear garden area of the existing dwelling. The front of the site provides a paved parking area accessed from Mawney

- Road and is enclosed by a low brick wall with hedge behind which continues around the corner into Percy Road adjoining the side wall of the garage with a high brick wall enclosing the rear garden along the remainder of the Percy Road frontage.
6. The proposed dwelling would replace the existing garage and side additions with a two-storey dwelling that would reflect the design and appearance of the existing dwelling, with matching rendered elevations, hipped roofs and front bay windows. It would have the same front building line as the existing dwelling and set back about one metre from the boundary with Percy Road.
 7. The Mawney Road frontage is predominantly characterised by a fairly continuous built frontage with a uniform set back albeit there is a variety to the built forms. The proposal, which would reflect the established building line and general design and appearance of the existing terrace, would be seen as a complementary and sympathetic extension to the existing terrace and would sit comfortably within this built frontage.
 8. The additional bulk and mass of the proposal compared to the existing built form would mainly impact in views approaching the appeal site from the south along Mawney Road and along Percy Road from where the proposed dwelling would be readily visible. Whilst the proposal would result in a two-storey flank wall facing this road, it would not be right on the edge of the footway but set back by around one metre with some interest provided by the proposed first floor window. This is not dissimilar to other sites referred to by the Appellant and, in any event, wide gaps to side boundaries on corner plots do not appear to be a particular characteristic of the area, particularly along Mawney Road which, as noted above, is characterised more by a continuous built frontage.
 9. Furthermore, whilst the new dwelling would extend closer to the road frontage than the building line along the main part of Percy Road, this would not result in any undue harm to the street scene given the open gap provided by the rear garden area retained between it and the proposed dwelling. In any event, the existing dwelling is already sited forward of this building line.
 10. The plans are not entirely clear what boundary treatment is proposed for the Percy Road frontage though it appears that the existing hedge and wall would be removed and replaced by a fence. However, full details could be secured via a condition. On this basis, the proposed flank wall would not be an unduly prominent feature in this street scene nor, given the existing relatively built-up nature of the street scene where open corner plots are not a particular characteristic, would it unduly detract from its character and appearance.
 11. The Council has referred to the Residential Extensions and Alterations SPD (2011) (REA SPD) which sets out some general design principles to ensure that extensions and alterations do not dominate or detract from the character of the original and surrounding houses. Whilst it is not of direct relevance to the appeal proposal, it does indicate that two storey side extensions to corner properties will generally be acceptable provided they are set back at least one metre from the back edge of the footway and not forward of the building line of properties along the adjoining street. Such proposals would still need to be assessed on the basis of how they actually impact on the character and appearance street scene and in this instance, for the reasons given above, I find that impact would be acceptable.

12. The proposal includes a double hipped roof to the rear replacing the existing gable end on the existing house. These would both have ridge heights below that of the main ridge and would appear suitably subservient and in keeping with the roof shape of the terrace of which it would become an integral part.
13. The proposal would also incorporate single storey rear extensions to the existing and proposed dwellings. The REA SPD states that the acceptable depth of such extensions will depend on a number of site-specific considerations, but as a general rule terraced dwellings can be extended by up to 3 metres depth from the original rear wall to ensure subordination; the proposal would satisfy this guideline and would otherwise be a complementary addition to the existing dwelling.
14. I find that the proposals would be sympathetic to the character and appearance of the existing dwelling, the attached terrace of properties and the street scenes of both Mawney Road and Percy Road. They would thereby accord with Policies 7 and 26 of the Haringey Local Plan 2016-2031 (2021) (HLP) which seek high quality design that, amongst other things, respects, reinforces and complements the local street scene and provides attractive living environments for residents. It would also accord with Policies D3 and D4 of The London Plan (LP) which seek the best use of land through a design-led approach that responds to a site's context and responds positively to local distinctiveness and delivers good, inclusive design. They would also accord with the REA SPD as relevant.

Other Matters

15. I agree with the Council that the proposal would in other respects be acceptable and would provide adequate parking and amenity provision and would not result in any other adverse effects in terms of the impact on the living conditions of the occupiers of the adjoining and nearby properties subject to appropriate conditions. Overall, therefore, I find that the proposal would accord with the development plan.
16. I have had regard to the relevant policies of the Framework and find that, overall, the proposal would accord with its objectives, in particular those that promote an effective use of land whilst safeguarding and improving the environment and achieving good design and development that is sympathetic to local character including the surrounding built environment.
17. The Council has confirmed that it cannot demonstrate a five-year supply of housing and therefore paragraph 11d of the Framework applies. However, given my findings that the proposal complies with the development plan as a whole, paragraph 11c of the Framework is relevant which states that the development should be approved without delay; therefore, there is no need to go on to consider paragraph 11d. However, the lack of a five-year supply and the specific need for three bed houses as identified in the HLP provide some further support to the proposal.
18. The Council has suggested a number of conditions and I have reviewed these in the light of the Framework. A condition to ensure that the development is carried out in accordance with the approved plans is necessary in the interests of precision and proper planning and to ensure that the external materials match the existing dwelling. Conditions to secure car parking for the existing and proposed dwelling and refuse / recycling facilities are necessary to ensure

adequate parking on site and an appropriate level of amenity for the proposed occupants.

19. Conditions relating to water efficiency and to require an accessible / adaptable dwelling are necessary in order to ensure compliance with the relevant development plan policies and contribute to the provision of sustainable development. A condition to control hours of construction is also necessary to protect the living conditions of the occupiers of nearby residential properties.
20. The Council has also suggested a condition to require full details of all boundary treatment notwithstanding that the approved plans do indicate that a 1.8 metre close-boarded fence will be provided along the new boundary with the existing house and a fence is indicated along the Percy Road frontage. However, I agree that a condition is necessary to ensure that the details are clear and implemented at the appropriate time. It is also suggested that a condition is needed to control any additional windows being inserted in the flank elevation and I agree this is necessary to prevent overlooking of the property on the opposite corner; in this respect, I note that the approved plans indicate that the proposed first floor window will be obscurely glazed and non-opening below 1.7 metres above finished floor level and this will ensure no loss of overlooking of that property, though a condition is necessary to ensure that it is provided prior to occupation and thereafter retained.
21. The Appellant has questioned the need to impose restrictions on all classes of permitted development as suggested by the Council and I agree that it is unnecessary to restrict roof additions or garden buildings and structures (classes B to E), albeit a restriction on further extensions is necessary given the extent of the development permitted. The Appellant has also questioned the need for the suggested condition to require low emission boilers; however, it is necessary in order to ensure compliance with LP Policy SI 1 though I have incorporated some re-wording to ensure precision and provide for reasonable alternatives.

Conclusions

22. I therefore conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR

ANNEX A

CONDITIONS

- 1) This 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 complete accordance with the following plans: PL01 Rev. C (location map and block plan), PL02 Rev. A (existing floor plans), PL03 Rev. A (existing elevations), PL04 Rev. C (proposed ground floor plan), PL05 Rev. C (proposed first floor plan), PL06 Rev. C (proposed roof plan), PL07 Rev. C (proposed rear elevation), PL09 Rev. C (proposed elevations), PL10 Rev. C (proposed section), PL11 Rev.C (proposed block plan) and PL12 Rev.C (proposed 3D).
- 3) The dwelling hereby permitted shall not be occupied until the car parking spaces for the existing and approved dwelling have been provided in accordance with the approved plans. They shall be retained permanently thereafter for the parking of associated vehicles and shall not be used for any other purpose.
- 4) The development shall not be occupied until details for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh or other form of low emission / renewable energy heating have been submitted to and agreed in writing by the Local Planning Authority. 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 shall thereafter be carried out in strict accordance with the agreed details and permanently retained as such. Within 3 months of installation emissions certificates to verify boiler emissions shall be provided to the Local Planning Authority.
- 5) Notwithstanding the provisions of Class A of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall be no extensions to the dwelling hereby permitted.
- 6) Notwithstanding the provisions of Class A of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order with or without modification) no window or other opening (other than those shown on the approved plans) shall be formed in the flank (south) elevation of the dwelling hereby permitted.
- 7) The dwelling shall not be occupied until the first-floor window in the flank (south) elevation has been fitted with non-opening obscure glazing up to 1.7 metres above finished floor level. It shall thereafter be retained as such.
- 8) The dwelling hereby permitted shall not be occupied until refuse and recycling facilities have been provided in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

- 9) 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.
- 10) The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 11) The dwelling hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings.