



Appeal Decision

Site visit made on 22 April 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 MAY 2024

Appeal Ref: APP/B5480/W/23/3329637

139 South End Road, Rainham, Havering RM13 7XU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Inder Mohan Sharma of Ideal Home Rainham Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1082.23.
 - The development proposed is the erection of new two-bedroom End of terraced dwelling on land adjacent to the host dwelling incorporating soft and hard landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published in December 2023 accompanied by a written ministerial statement. The revised Framework is a material consideration which should be taken into account from the day of publication. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. The main issues are the effect of the proposal on:
 - highway safety, with regard to the parking provision; and
 - the character and appearance of the area.

Reasons

Highway safety

4. The appeal site is located to the side of an existing dwelling that forms the end of a terrace. The terrace is set back from the pavement with limited space to the front. The site currently provides parking for the dwelling at No 139 South End Road (No 139). On-street parking is restricted within the surrounding roads, including residential permit zones.
5. Policy 24 of the Havering Local Plan 2016-2031 (2021) (HLP) states that London Plan maximum standards apply. The Council states that the site has a Public Transport Accessibility Level (PTAL) of 2 and that the London Plan (LonP) requires that there should be up to 0.5 spaces per dwelling. This is not disputed by the appellant.

6. The proposed dwelling would result in the loss of the existing car parking space serving No 139. The appellant acknowledges that there is insufficient space to the front of the site to provide a parking space for the proposed dwelling. In addition, there is no substantive evidence to demonstrate that there would be a sufficient area for parking for occupants of the existing dwelling at No 139. Consequently, the proposal would add to demand for on-street parking, of which there is limited provision in the area.
7. I conclude that the proposal would harm highway safety as a result of inadequate parking. The development would therefore conflict with Policies 24 and 26 of the HLP and Policy T6 of the LonP, which collectively seek to ensure adequate parking is provided in accordance with parking standards and that it should be robustly demonstrated that there is no need for the spaces where there is a net loss of car parking spaces.
8. The Council has referred to Policy 26 of the HLP in its reason for refusal. This policy relates to urban design and does not specifically relate to parking. Therefore, its content is not relevant in respect of this issue.

Character and appearance

9. Development in the area primarily comprises two-storey terraced and semi-detached dwellings. The buildings are tightly arranged with few spaces between properties. The site comprises the side of a terrace of six dwellings. The properties within the terrace are narrow and retain similar features within the front elevation, including the offset front doors adjacent to the ground bow windows and first floor windows to the centre.
10. The proposal is for a two-storey dwelling attached to No 139 and adjacent to the attached garage serving No 137 South End Road (No 137). While the proposal would fill the gap between No 137 and No 139, the set back position of the garage of No 137 would provide a break in the built form and adequate spacing commensurate with the surrounding area would therefore be retained.
11. The dwelling would reflect the scale and design of the existing dwellings within the terrace. The detailing, including the window layout, gable end and render finish would accord with the dwellings in the locality. Consequently, the proposal would complement the character and appearance of the site and the area.
12. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. On this basis, the proposal would accord with Policies 7 and 26 of the HLP, which seek to promote high quality design that respect and complement the distinctive qualities, identity and character of the site and local area.

Other Matter

13. The Council consider that the proposal would not harm the living conditions of occupants of neighbouring properties. I find no reason to take a different view. Nonetheless, the absence of harm is a neutral factor and therefore does not weigh in favour of the proposal.

Planning Balance

14. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the HLP, with the associated conflict reflecting an unacceptable parking provision resulting in significant harm to highway safety. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
15. The Council states that it is unable to demonstrate at least a five year supply of housing land that the Framework requires. Paragraph 11 d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. The proposal would make a positive contribution to housing supply with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, the contribution of one additional dwelling to meeting housing need in Havering through a more efficient use of land in an urban area and the associated benefits are limited by the scale of development proposed.
17. In the particular circumstances of this case, I have concluded that the proposal would harm highway safety due to a net loss of parking spaces and would conflict with the relevant policies of the development plan and the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development at paragraph 11 d) of the Framework.

Conclusion

18. The proposal would not accord with the development plan as a whole. The material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR