



Appeal Decision

Site visit made on 3 April 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/B5480/W/24/3350440

16 Simpson Road, Rainham, Havering RM13 7LB

- 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 W Williams against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0556.24.
 - The development proposed is the erection of a two storey end of terrace dwelling house which would be attached to 16 Simpson Road. Additionally, the development includes a part single storey and part two storey rear extension to the existing dwelling, 16 Simpson Road, to provide an enlarged kitchen and dining space at ground floor and an enlarged bathroom on the first floor.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey end of terrace dwelling house which would be attached to 16 Simpson Road. Additionally, the development includes a part single storey and part two storey rear extension to the existing dwelling, 16 Simpson Road, to provide an enlarged kitchen and dining space at ground floor and an enlarged bathroom on the first floor at 16 Simpson Road, Rainham, Havering RM13 7LB in accordance with the terms of the application, Ref P0556.24, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; (ii) the effect of the proposed development on the living conditions of future occupiers, with particular regard to bedroom sizes; and (iii) the effect of the proposed parking arrangement on highway safety.

Reasons

Character and Appearance

3. The appeal site is located in a residential area which is predominantly comprised of semi-detached homes. The dwellings tend to have relatively small front gardens and there are limited gaps between buildings which means that the area does not have a particularly spacious feel.
4. The proposed development would involve the construction of a new dwelling within the existing garden area of No. 16. The Council's officer report refers to Policy 10(vi) of the Havering Local Plan 2021 (the HLP) which concerns the subdivision of plots. I note that this part of the policy only relates to the Hall Lane and Emerson Park Character Areas, neither of which include the appeal site. Nevertheless, the principles set out within that part of the policy seek to ensure that development of

this nature is well designed, and as such, can still be considered to be relevant to this case.

5. The proposed development would create a terrace of three homes. However, while semi-detached dwellings are predominant in the area, there are examples of very similar developments in the wider locality that have resulted in the creation of a terrace. Indeed, I observed on my site visit that two examples can be found relatively close to the appeal site at No. 38a Sowery Avenue and No. 2a Stephen Avenue. As such, the proposal would not look incongruous or out of place within its wider context.
6. I acknowledge that the width of the new dwelling would be slightly narrower than that of No. 16. However, this would not be particularly noticeable within the street scene and would not constitute harm. In addition, while the proposal would result in additional built form right up to the existing boundary, the immediate area already has a fairly enclosed feel and so I am satisfied that the design would adhere to the character of the surroundings.
7. The proposal would also involve the provision of a part single storey, part two storey rear extension to No. 16. However, various properties have benefitted from sizeable extensions in the immediate surroundings, many of which are visible from the street. As such, the added bulk to the existing home would not appear as an unusual addition.
8. With this in mind, I find that the proposed development would preserve the character and appearance of the area. It would therefore conform with HLP Policies 7, 10 and 26, the relevant aspects of which seek to ensure that new development is well designed.

Living Conditions

9. Policy D6 of the London Plan 2021 (the LP) sets out that a one bedspace single bedroom must have a floor area of at least 7.5 metres squared. The approved plans identify that bedrooms two and three of the proposed dwelling would both meet this requirement, and I note that the appellant has confirmed this as part of their appeal statement. As such, the proposal would conform with Policy D6 as well as HLP Policy 7, both of which seek to ensure adequate living conditions for occupiers.
10. The Council has suggested that the plans show that bedroom two would be approximately 7 metres squared. Even if I agreed with the Council's calculation, the conflict with LP Policy D6, and the associated harm, would be very limited indeed. As such, the issue would not have altered my decision in this case.

Highway Safety

11. HLP Policy 24 requires that three bedroom dwellings should provide 1.5 car parking spaces per unit. In this instance, the existing parking to the rear of No. 16 would be retained but the proposed dwelling would have no off-street parking provision itself. Additional on-street parking can lead to safety concerns as a result of potential conflict with pedestrians and other road users.
12. As such, the lack of parking spaces associated with the proposed development would conflict with HLP Policies 24 and 26 and LP Policy T6. These policies seek

to ensure that developments are well designed and that they include provision for sufficient car parking.

Conditions

13. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. Several conditions have been imposed to preserve character and appearance including those pertaining to materials, landscaping and boundary fencing. Other conditions are imposed in the interests of sustainability including in relation to boilers, water efficiency and minor space standards. I have imposed a further condition to control construction hours in the interests of the living conditions of neighbouring occupiers. A final condition seeks to ensure the provision of adequate refuse and recycling facilities.
14. I have not imposed a condition to remove permitted development rights as Planning Practice Guidance is clear that this should only take place in exceptional circumstances. The proposed dwelling does not include any off-street parking provision, and this issue has been considered as part of this decision. A condition securing parking is therefore unnecessary. I have also not imposed a condition to prevent any further windows being installed within the flank elevation as I am satisfied that window openings in that location would not lead to privacy concerns.

Conclusion

15. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. Furthermore, the latest Housing Delivery Test results show a substantial under provision of dwellings in recent years. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that 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 as a whole.
16. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area. It would also provide some economic benefits and some support for local facilities. I afford limited weight to these benefits given that they are relatively minor in nature.
17. I have concluded that there would be material harm in relation to the lack of car parking provision. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that ensures highway safety. I must therefore afford weight to this conflict. In this instance, a single new dwelling would only likely result in one or two additional cars being parked on the street. In isolation, such a small number of vehicles is highly unlikely to lead to highway safety concerns. The associated harm is therefore very limited. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would not significantly and demonstrably outweigh the benefits. The development therefore represents sustainable development in accordance with the presumption in favour of sustainable development. As I have already noted, if it was to be concluded that the size of one of the bedrooms was not policy compliant, the additional harm would not have changed my overall decision.

18. The proposed development conflicts with the development plan when considered as a whole. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be taken other than in accordance with the development plan. The appeal is therefore allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be commenced not later than three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: 10-151023-001 Existing Site Location and Block Plan; 10-151023-002 Proposed Site Location and Block Plan; 10-151023-013 Proposed Floor and Roof Plans; 10-151023-014 Proposed Front (North) and Side (East) Elevations; 10-151023-015 Proposed Rear (South) and Side (West) Elevations; 10-151023-016 Existing and Proposed Street Scene Elevations.
- 3) No above ground works 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 building 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) Prior to the first occupation of the approved dwelling, 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.
- 5) No above ground works shall take place in relation to any of the development hereby approved until there has been submitted to and approved by the Local Planning Authority 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. 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.
- 6) Before the dwelling hereby permitted is first occupied, details of all proposed walls, fences and boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary development shall then be carried out in accordance with the approved details and retained permanently thereafter to the satisfaction of the Local Planning Authority.
- 7) No building shall be occupied or use commenced until refuse and recycling facilities are 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.

- 8) All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; work 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.
- 9) All dwellings hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 10) All dwellings hereby approved shall be constructed to comply with Part M4(2) of the Building Regulations - Accessible and Adaptable Dwellings