



Appeal Decision

Site visit made on 7 May 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd of June 2025

Appeal Ref: APP/B5480/W/24/3357019

1 Derby Avenue, Romford, Havering RM7 9JR

- 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 Ms Jennifer Braybrooke against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0583.24.
 - The development proposed is the erection of one end terrace 3 bed 2 storey dwelling with parking and amenities following the demolition of an existing single storey side extension and the addition of a single storey rear extension to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one end terrace 3 bed 2 storey dwelling with parking and amenities following the demolition of an existing single storey side extension and the addition of a single storey rear extension to existing dwelling at 1 Derby Avenue, Romford, Havering RM7 9JR in accordance with the terms of the application, Ref P0583.24, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council amended the description of development with the appellant's agreement during the determination of the planning application and the application was determined on this basis. The appellant has used this amended description on their appeal form. I have therefore used this description in the banner heading and in my formal decision above, as this more accurately describes the development.
3. The Council has confirmed that the plans listed on the decision notice have erroneously omitted reference to the proposed plans being 'Revision A'. Its decision is based upon the plans submitted with this appeal and I have proceeded to determine the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development upon;
 - the character and appearance of the surrounding area; and
 - highway safety, with particular regard to parking provision.

Reasons

Character and appearance

5. The appeal site is a two-storey semi-detached dwelling with a single storey side extension, located on a corner plot at the junction of Derby Avenue and Lessington Avenue. The site is within a predominately residential area characterised mainly by two-storey semi-detached and terraced properties.
6. Properties follow a generally uniform building line and are set back from the pavement behind front gardens and parking spaces. There is a relatively regular pattern of development in the surrounding area with a general consistency of plot sizes and widths. However, as a corner plot, the appeal site is larger than others in the locality. Surrounding dwellings are also mostly consistent in appearance with hipped roofs, bay windows and single storey adjoining garages to the sides. However, some properties have been extended and altered over time and there are examples in the surrounding area where semi-detached dwellings on corner plots have been extended to form short, terraced blocks.
7. The appeal scheme proposes to demolish the single storey side extension and replace this with a two-storey dwelling attached to No 1, in addition to constructing a single storey extension to the rear of the host dwelling. The new dwelling would be a mirror image of the existing dwelling, containing a matching two-storey bay window and mono-pitched porch on the front and a hipped roof. The Council has raised no concerns with the single storey rear extension to No 1 in relation to its effect on the character and appearance of the area and I see no reason to come to a different conclusion on this matter.
8. The Council contends that the size of the new dwelling's plot would be significantly smaller in width than others in the street scene resulting in an awkward visual appearance and a development that would be detrimental to the character and appearance of the area and host property. I do not agree. The widths of both the new and retained plots would not be significantly smaller than others in the immediate area and there is sufficient variety in the street scene such that the overall character of the area would not be significantly undermined by the proposed subdivision of the appeal site.
9. This is particularly the case given the development would be very similar to other examples on this street, and in the vicinity of the site, where corner plots have been similarly sub-divided. The development would be prominent in the street scene and built form at first floor would occupy a greater proportion of the width of the site compared to the existing situation. Even so, the development would not appear cramped within the plot given the tapered nature of the side boundary. Also, the general design and form of the dwelling would also complement the style of the host dwelling and assimilate with surrounding properties in the street scene.
10. Consequently, the development would not harm the character and appearance of the surrounding area. For the above reasons it would therefore accord with Policy 26 of the Havering Local Plan 2016-2031 which promotes high quality design that responds to the pattern of development and respects the visual integrity of a site's context.

Highway safety

11. The existing house on the appeal site is set back from the pavement behind a front parking area that is approximately 4.7m deep. The images supplied by the appellant show this area accommodating 4 vehicles. The appeal scheme does not propose to alter the existing parking and access arrangement into the site. The plans indicate that two parking spaces each would be provided for the proposed and retained dwellings.

12. Paragraph 10.3 of The London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document (2011) (the SPD) states that permission will generally only be granted where front gardens are at least 4.8m deep so as to avoid vehicles overhanging the pavement. The Council has not sought to dispute the appellant's contention that the depth of the proposed parking area would be approximately 0.1m short of the SPD standard. However, I note that this would not be any different to the current parking arrangement on site and that this would be a marginal shortfall. In this case, the parking arrangement would not be materially worse than the existing situation and given the context of the surrounding area I do not consider the proposal would result in an unacceptable impact on highway safety.
13. Moreover, it is important to note that the SPD has the status of guidance and not policy. The Council has not cited a contradiction with any policies of the Development Plan, and I have not been provided with any policy which stipulates the minimum sizes of parking spaces. Instead, the development would accord with paragraph 116 of the National Planning Policy Framework (the Framework) which sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.
14. For the above reasons, I conclude the development would not have an adverse effect on highway safety, with particular regard to parking provision. Therefore, it would accord with the provisions of the Framework where it seeks to maintain highway safety. There would be a minor conflict with the SPD but in this case there is sufficient justification to allow the development regardless of this non-compliance.

Other Matters

15. The Officer report identifies that bedroom 3 on the proposed plans would not meet the space standards set out under Policy D6 of The London Plan (2021) (the LP). However, this is not reflected in the reasons for refusal. Notwithstanding the size shortfall of this bedroom, the total internal floor area of the dwelling exceeds the standards set in Policy D6 for a 3-bed 4-person dwelling. I also note that the dwelling has been designed as a mirror image of No 1 and there is nothing in the evidence to suggest that the existing dwelling, or others that appear to be of a similar design, do not operate successfully. Moreover, whilst this bedroom would be small, it would have built-in storage facilities and future occupiers would have the choice of how to utilise this room. For these reasons, the shortfall of the size of this bedroom is not considered to be unacceptable in this particular case.
16. I have considered the concerns raised by an interested party, however there is no evidence that the proposal would give rise to an increase in anti-social behaviour in the area. These additional concerns do not justify refusing planning permission and so they fail to affect my overall conclusion.

Conditions

17. The Council has suggested several conditions which I have considered in light of the advice in the Framework and Planning Practice Guidance (the PPG). Where appropriate, I have adjusted the wording of the conditions in the interests of precision and enforceability.
18. In addition to the standard three-year time limit condition for implementation, it is necessary to specify the approved plans in the interests of certainty. Conditions requiring the submission of materials details, boundary treatments, hard and soft

landscaping and details of refuse and recycling facilities are also required in the interests of character and appearance, providing appropriate living conditions and to ensure provision of appropriate household waste facilities.

19. A condition ensuring the provision and retention of the parking areas for both dwellings is also necessary in the interest of highway safety. Conditions are also imposed requiring compliance with the optional building regulations in relation to accessibility and adaptability and water efficiency in order to comply with policies D7 and SI 5 of the LP. However, I have amended the suggested wording in the interests of precision.
20. A condition is also attached to require the installation of a low emission boiler in order to minimise the impact of the development on local air quality. Comments from the Public Protection Environmental Health Officer also request a condition relating to electric vehicle charging for the same reasons. However, this is not suggested by the Council and would be covered by building regulations, so I have not imposed this additional condition.
21. A condition is also imposed relating to hours of construction; however, I have amended the suggested wording to omit reference to specific activities and the playing of amplified music in the interest of precision and enforceability.
22. The Council has also suggested conditions to restrict permitted development rights under certain classes of the Town and Country Planning (General Permitted Development) (England) Order 2015, including for the installation of windows on the flank elevation of the new dwelling. The Framework advises that conditions should not be used to restrict permitted development rights unless there is clear justification to do so. I have not been presented with any compelling evidence that the site circumstances are such to justify the removal of these permitted development rights or that harm would arise to the living conditions of existing occupiers or the character and appearance of the area in the absence of these conditions. I have therefore not imposed these conditions.

Conclusion

23. For the reasons set out above, the proposal is considered to accord with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. I therefore conclude the appeal should be allowed.

H Whitfield

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 drawing nos:
 - Site Location Plan ref. LP-01 Rev. A
 - Proposed Block Plan ref. 201 Rev. A
 - Proposed Floor Plans ref. 202 Rev. A
 - Proposed Floor Plans ref. 203 Rev. A
 - Proposed Elevation 01 ref. 204 Rev. A
 - Proposed Elevation 02 ref. 205 Rev. A
 - Proposed Section ref. 206 Rev. A
 - Block Plan ref. BP-02 Rev. A
- 3) No development above ground level shall take place until details (and samples upon request) 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. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with the details shown on drawing no. 201 Rev. A. Thereafter those spaces shall be retained for the parking of vehicles only.
- 5) Before the dwelling hereby permitted is first occupied, details shall be submitted to and agreed in writing by the Local Planning Authority for the installation of Ultra-Low NO_x boiler with maximum NO_x Emissions of less than 40 mg/kWh. Where any installations do not meet this emissions standard, it should not be operated without the fitting of suitable NO_x abatement equipment or technology as determined by a specialist to ensure comparable emissions. The installation of the boiler shall be carried out in strict accordance with the agreed details and shall thereafter be retained for the lifetime of the development. Following installation, an emissions certificate shall be provided to the local planning authority to verify the boiler emissions.
- 6) 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 by the local planning authority. 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.

- 7) Before the dwelling hereby permitted is first occupied, details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling is first occupied.
- 8) Before the dwelling hereby permitted is first occupied, refuse and recycling facilities shall be provided in accordance with details which have previously been submitted to and approved in writing by the local planning authority. The refuse and recycling facilities shall be retained thereafter for the lifetime of the development.
- 9) Demolition or construction works shall take place only between 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 development hereby permitted shall not be occupied until the Building Regulations requirements for accessibility and adaptability have been complied with.
- 11) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.