

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1446.14</b> 37 Homeway Romford <i>Single storey rear extension (retrospective) and front bay window</i></p>	Written Reps	Refuse	Delegated	<p>The development, by reason of its depth, bulk and mass, appears as an unacceptably dominant and visually intrusive feature in the rear garden environment, harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The development, by reason of its position and proximity to No.39 Homeway, appears as a dominating and unneighbourly development which results in overlooking and loss of privacy which would have a serious and adverse effect on the living conditions of the occupiers of this neighbouring property, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Dismissed</b> The development proposed is a single storey rear extension that has been substantially constructed. The extension is taller, and extends further back, than the rear projections of either of the neighbouring properties and takes up the full width of the appeal property dominating the rear of the property. Furthermore the height, length and proximity to the boundary, the extension results in it having an oppressive and dominating effect on the rear garden area and the outlook from the rear of the neighbouring property.</p>
<p><b>P1754.14</b> The Pompadours Edenhall Road Romford <i>Demolition of the existing pub "The Pompadours", and the construction of 25no. new residential units</i></p>	Written Reps	Approved with Agreement	Committee	<p>The proposed development would, by reason of the three-storey height and bulk of the built form on the corner of Hilldene Avenue and Edenhall Road and its overall cramped and excessively dense layout, have an unacceptably harmful impact on the streetscene and on the character and appearance of the area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework. The proposed development is excessively dense and results in an unacceptably cramped layout of the site, leading to a tight relationship between the new dwellings, creating potential for interlooking between them as well as a</p>	<p><b>Dismissed</b> The Inspector found that the flats would have a poor outlook, limited communal garden area and the areas provided at ground floor would not be sufficiently private. These factors combined lead to the conclusion that the building would not provide suitable living conditions for future occupiers. The Inspector found that the proposal would not harm the character and appearance of the area.  The Council considered that financial contributions are required for the provision of affordable housing, education and carbon dioxide offsetting. The Inspector found that the requirement for an Education contribution would not comply with the CIL regulations as</p>

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				<p>rear garden environment that is of insufficient form and quality to meet the needs of occupiers, thereby detrimental to the amenity of the future residents of the proposed development, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD, the London Plan Housing SPG and the Residential Design SPD.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, affordable housing and carbon dioxide off-setting, the proposal fails to satisfactorily mitigate the impact of the development, contrary to the provisions of Policies DC6, DC49, DC50 and DC72 of the Development Control Policies DPD and Policies 3.12, 5.2 and 8.2 of the London Plan.</p>	<p>the Inspector was not satisfied that it would be directly related to the development or fairly and reasonably related in scale and kind. The contributions towards affordable housing and parking management were CIL compliant</p>
<p><b>P0133.15</b> 67 Butts Green Road Hornchurch <i>Proposed demolition of existing dormant (derelict building) and replacement with 5 two bed new build flats with associated parking, boundary treatment and amenity area.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed building would, by reason of its design, height, excessive depth, scale, bulk, mass and prominent siting, appear incongruous, dominant and visually intrusive in the streetscene harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The layout, proportions and size of the communal and private amenity space for the flats would result in an unacceptably cramped layout and poor quality of amenity space provision which is materially harmful to the amenity of future occupiers contrary to Policy DC61</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector found that the proposed development would cause unacceptable harm in regard to each of the main issues except on highway safety however this did not outweigh the overall harm identified.</p>

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				<p>of the LDF Development Control Policies DPD and the Residential Design SPD. The proposed layout of the development and relationship with footpaths and amenity areas would result in substandard accommodation for future residents through lack of privacy. As a result, the development represents an over-development of the site contrary to Policies DC2, DC3, DC4 and DC61 of the LDF Core Strategy and Development Control Policies DPD and London Plan Policy 3.5.</p> <p>The boundary treatment would, by reason of its position and close proximity to the northern boundary of the site, fail to provide the required pedestrian visibility splays of 2.1m by 2.1m on either side of the access, which would be to the detriment of pedestrian and highway safety and Policy DC32 of the LDF Core Strategy and Development Control Policies Plan Document.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
<p><b>P0900.15</b> 144 Corbets Tey Road Upminster <i>Alterations including part</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed 1.8m high boundary wall on the eastern boundary, by reason of its height appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the</p>	<p><b>Dismissed</b> The Inspector found the proposed development would cause unacceptable harm In regard to each of the main issues.</p>

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<p><i>demolition and conversion of existing detached bungalow into 2 semi-detached bungalows and construction of new 1x3 bed detached dwelling.</i></p>				<p>appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The layout of the development would, by reason of the siting of the dwellings, proportions and proximity to the boundaries of the plot, combined with the angled boundary, give rise to a cramped appearance and overdevelopment of the site contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and the Residential Extensions and Alterations SPD. In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	<p>Although the development would utilise an existing building and was in a sustainable location, these benefits did not outweigh the harm identified.</p>
<p><b>P0881.15</b> 2 Netherpark Drive Romford <i>Demolition of existing bungalow and replace with 2No 4 bedroom detached chalet style bungalows with associated parking and amenity.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its design, layout and orientation, result in development which does not appropriately respond to the building forms and patterns of development in the surrounding area and would thereby have an inappropriate and unacceptable appearance in the streetscene which would neither maintain or enhance the special character of the Gidea Park Special Character Area contrary to Policy DC61</p>	<p><b>Dismissed</b> The Inspector agreed with the conclusions of the Council in regard to the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the Gidea Park Special Character Area.</p>

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				and DC69 of the LDF Core Strategy and Development Control Policies DPD.	
<p><b>P0585.15</b>                      Bramble Fishing Lake                      Bramble Lane Upminster  <i>Variation of Conditions 3, 11 and 12 of P0507.14 - 3 - to permit Hours of Use to 21.00 - 08.00 hours</i>                      11 - to permit parking for 3 cars                      12 - number of persons fishing to decrease to 6</p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Delegated</p>	<p>Use of the lake by anglers shall only take place between the hours of 08:00 and 21:00 on any day.</p> <p>Reason:-</p> <p>To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.                      The car parking spaces hereby permitted shall be limited to 3 vehicles, be provided prior to the first use of the upgraded lake and thereafter shall be kept permanently available for the parking of vehicles.</p> <p>Reason:-</p> <p>In the interest of amenity and highway safety.                      The number of persons using the fishing lake shall be limited to 6 at any one time.</p> <p>Reason:-</p> <p>To enable to the Local Planning Authority to retain control over the future</p>	<p>The appeal was allowed in part. The Inspector concluded that Condition 3 should remain and that it is both necessary and reasonable in order to safeguard the amenities of the occupiers of Bramble Farm. However the Inspector found in favour of the appellants in relation to Conditions 11 &amp; 12. Those conditions were amended to accord with the thrust of the original planning permission (ref: P0507.14) granted in 2014</p>

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				use of the lake, in the interests of amenity.	
<p><b>P0791.15</b>                      Raphael School Park                      Lane Hornchurch  <i>Demolition of existing buildings and erection of 4 two storey 4-bedroom houses with integrated garages; 2 two storey buildings to provide 6 1-bedroom flats and 4 2-bedroom flats with ancillary parking and bike and bin store.</i></p>	Written Reps	Refuse	Delegated	<p>The proposal would decrease the quantity of primary and secondary school places within the Borough to the detriment of the education of residents and contrary to Policy DC29 (Educational Premises) and Policy DC27 (Provision of Community Facilities) of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development with its prominent front facing gables, dormer windows and partially hipped roof ends would be seen as a piecemeal collection of buildings with no relationship to the existing built form and would be detrimental to the harmony of the streetscene and contrary to Policy DC61 (Urban Design) of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development would cause a substantial and unacceptable loss of daylight and sunlight to habitable rooms in extensions to the rear of 1 Malvern Road and 2 Clifton Road to the detriment of the amenity of occupiers of those properties and contrary to Policy 61 (Urban Design) of the Core Strategy and Development Control Policies Development Plan Document.</p> <p>No private amenity space is provided for the first floor flats which would be</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the findings of the Council concerning the loss of the school and the proposal was therefore in conflict with policies of the LDF which seek to protect community facilities. The proposal would not harm the living conditions of existing occupiers and would provide dwellings some of which would be affordable. However, the scheme would harm the character and appearance of the area, would not provide acceptable living conditions for future occupiers and was in conflict with policies of the LDF which seek to protect community facilities.</p> <p>On the issue of a legal agreement, the Inspector stated that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The Inspector found that the requirement for an Education contribution would not comply with the CIL regulations as the Council had not clearly identified whether the requirement for places directly related to the development. The contributions towards affordable housing and parking management were CIL compliant</p>

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				<p>detrimental to the amenity of future residents and contrary to Policy 3.5 (Quality and Design of Housing Developments) of the London Plan (Further Alterations 2015) and Policies DC3 (Housing Design and Layout) and DC61 (Urban Design) of the Havering Core Strategy and Development Control Policies Development Plan Document. The location of the proposed bin store is poor and contrary to policies DC3 (Housing Design and Layout) and DC34 (Walking) of the Core Strategy and Development Control Policies Development Plan Document. In the absence of a legal agreement to secure affordable housing and contributions towards the demand for school places arising from the development and alterations to local parking management, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
<p><b>P1211.14</b> Land junction of 45 Park Lane and 2 Malvern Road Hornchurch <i>New build of 1no. pair of semi-detached 3-bedroom houses with double garages and boundary wall.</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The development would result in the loss of land that is used in association with an educational facility, for which no acceptable justification or replacement provision has been made, contrary to Policies DC27 and DC29 of the Local Development Framework (Core Strategy - Development Control, Development Plan Document).</p>	<p><b>Dismissed</b> The proposal was in conflict with policies of the LDF which seek to protect community facilities. On the second issue, the Inspector found that the requirement for an Education contribution would not comply with the CIL regulations as the Council had not clearly identified whether the requirement for places directly related to the development.</p>

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				In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policy DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.	
<p><b>Y0014.16</b>            143 Hillview Avenue            Hornchurch  <i>Single storey rear extension with an overall depth of 6 metres from the original rear wall of the dwelling house, a maximum height of 4 metres and an eaves height of 2.5 metres</i></p>	Written Reps		Delegated	The proposal would not constitute permitted development because the proposal is not a stand-alone single storey rear extension and forms part of a "wrap around" side and rear extension which takes up more than half the width of the property.	<p style="text-align: center;"><b>Allowed</b></p> <p>The Inspector considered whether the proposal complied with all of the limitations in paragraph A.1 of Schedule 2, Part 1 of the GPDO notably part (J) of paragraph A.1 which indicates that development is not permitted by class A where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse. This was the matter in dispute and the Inspector made reference to recent case law from 2016. On this basis of this interpretation, it was concluded that the development would not extend beyond the side wall of the original dwelling. The Inspector found that prior approval was not required for the demolition of part existing rear extension and new 6m extension.</p>
<p><b>P1204.15</b>            7 Stanley Close            Hornchurch  <i>Removal of existing porch and replacement with a two storey front extension, incorporating a shower room at ground floor with an extended</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its excessive depth, height, bulk and mass, disrupt the visually harmonious appearance of the terrace within which the subject dwelling is located and appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the Council and concluded that the proposal would unduly harm the character and appearance of the host dwelling, the wider terrace of dwellings, and the street scene.</p>



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<i>bedroom at first floor.</i>				contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	
<b>P1036.15</b> 91A Front Lane Upminster <i>Proposed loft conversion with dormer windows</i>	Written Reps	Refuse	Delegated	The proposed development, by reason of its rear dormer within the return of the roof slope, in combination with the existing dormer on the rear roofslope, is considered to be unacceptable in terms of an over-developed, intrusive and top heavy appearance within the roofscape of this property, harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> The Inspector agreed with the findings of the Council that two rear dormers would form an incongruous and discordant feature dominating and significantly altering the roof scape.
<b>P1821.15</b> 37 Freshfields Avenue Upminster <i>Two storey rear extension</i>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the rear garden environment harmful to the appearance of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed two storey rear extension would, by reason of its excessive depth and height, be an intrusive and unneighbourly development as well as having an undue enclosing effect on the amenities of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Allowed with Conditions</b></p> The Inspector found that the proposed extension would not appear excessive in size or cramped and would not detract from the character or appearance of the host dwelling. The extension would not be seen from the street and the layout of the area would result in it being visible from the rear of a very small number of dwellings. It was also found that the proposal would not unacceptably detract from the living conditions of the occupiers of neighbouring dwelling

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<p><b>P1497.15</b> 101 Benhurst Avenue Hornchurch <i>Erection of first floor single storey roof extension to existing footprint</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its bulk, mass, design, together with lack of subservience and setback, unbalance the appearance of this semi-detached pair of houses and appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area contrary to Residential Extensions and Alterations Supplements Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed that the proposed extension would harm the character and appearance of the building and in turn the street scene</p>
<p><b>P1574.15</b> 10 Morecambe Close Hornchurch <i>Single storey rear extension</i></p>	Written Reps	Refuse	Delegated	The proposed rear extension would, by reason of its excessive depth along the shared boundary, height and position close to the boundaries of the site, be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of the adjacent occupier, No.8 Morecambe Close, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed that the proposed extension would unacceptably overshadow and result in loss of sunlight and daylight to the occupiers of the adjoining property in Morecambe Close.</p>
<p><b>P1144.15</b> 39 Ennerdale Avenue Hornchurch <i>Construction of new dwelling with private amenity and off street car parking.</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its size, scale and design, appear as a visually dominant and excessive side extension in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposal is not considered to provide adequate internal amenity to meet the needs of future occupants due to the shortfalls in the design of the	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector found the proposal would provide a reasonable amount of internal living space. However it would cause harm to the character and appearance of the area. In light of the findings on character and appearance there was no necessity to consider the lack of a legal agreement for education contribution.</p>

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				<p>internal spaces. This is contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document and the Department for Communities and Local Government.'Technical housing standards - nationally described space standards' March 2015.</p> <p>In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	
<p><b>P1430.15</b> 2 Burwood Gardens Rainham <i>Double Storey Side Extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its irregular design, excessive width, bulk and mass, and its lack of subservience visually unbalances the appearance of this semi-detached house and would result in a dominant and visually intrusive feature in the streetscene harmful to the character of the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p><b>Allowed with Conditions</b></p> <p>The Inspector found that although it would be large, the proposed extension would respect and be visually subservient to the host dwelling. It would respect the character and improve the appearance of the host property and the street scene.</p>
<p><b>P1902.15</b> 6 Lewis Road Hornchurch <i>Retrospective planning</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The boundary fencing would, by reason of its excessive depth, height, orientation and relationship with No.8 Lewis Road, Hornchurch, be an intrusive and</p>	<p><b>Allowed with Conditions</b></p> <p>The Council was concerned about the impact of the fence upon the neighbours to the north having regard to the change in levels.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

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<i>permission for retention of boundary fence and raised patio area</i>				unneighbourly development which will overshadow, overbear and dominate the outlook and harm the amenity of this neighbour. The development is therefore contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	Although there was some impact arising from one panel, it was not considered to give rise to any significant adverse effect upon the property to the north given its limited extent and the fact that the garden has a generally open outlook. The Council raises no objections to the raised patio itself, nor to any impact upon the living conditions of the occupiers of the neighbouring property to the south
<b>P0686.15</b> Units 2-5 & 7-10 Stafford Industrial Estate Hillman Close Hornchurch <i>Removal of Condition 1 of P0547.13.</i>	Written Reps	Refuse	Delegated	The metal storage container, by reason of its design and appearance, combined with its siting in a prominent location, is a visually intrusive feature that is not suitable on a permanent basis, harmful to the character of the locality and nearby residential amenity and outlook, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<b>Dismissed</b> The Inspector agreed that the size, siting and incongruous and appearance of the container has a harmful effect on the character and appearance of the area. The retention of the container on a permanent basis was not desirable and it was not appropriate to vary the condition.
<b>P1332.15</b> 151 Avon Road Upminster <i>New Class A1 shop kiosk style unit on vacant land adjoining 151 Avon Road</i>	Written Reps	Refuse	Committee	The proposed single storey addition by reason of its scale and design is a weak visual addition to the main building, the discordant relationship of which would harm visual amenity and the streetscene, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document. The proposal, would result in the loss of an existing open area which, by reason of its setting for the adjacent three storey parade, would result in a cramped visual impact, harmful to the spacing of the junction and the character of the streetscene, contrary to Policy DC61 of	<b>Dismissed</b> The Inspector was not satisfied that the proposal would address the harm to the character and appearance of the shopping parade or to the open nature at the junction as found in the previous appeal decisions. It was concluded that visual incongruity and harmful impact on the spaciousness of the junction would still occur.

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				the Core Strategy and Development Control Policies Development Plan Document.	
<p><b>P1878.15</b> 73 Heather Way Romford <i>Single and two storey rear and side extensions</i></p>	Written Reps	Refuse	Delegated	The proposed side and rear extensions would, by reason of its excessive scale, bulk, mass and inappropriate design, appear as an unacceptably dominant and visually intrusive feature to the property and adjoining terrace, harmful to the character and appearance of the surrounding area, contrary to the Residential Extension and Alteration Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with the Council and concluded that the proposal would unduly harm the character and appearance of the host dwelling, the wider terrace of dwellings, and the street scene.</p>
<p><b>P1316.15</b> 24 Mungo Park Road Rainham <i>Single storey rear extension</i></p>	Written Reps		<b>NON DETERMINATION</b>		<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The appeal was against the failure of the Council to determine the application for a rear extension that had already been built within the prescribed 8 week time period. The application was brought before the Council's Regulatory Services Committee on 3rd December 2015. Members resolved to defer the application to explore the parking implications of the proposal. The application was subsequently considered again at Committee on 28th January 2016. Members deferred the application for a second time to explore the parking implications; the occupation of the building; and the impact on neighbours amenity.</p> <p>An appeal was subsequently and the application was reported back to Committee</p>

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					<p>on 30th June 2016 and Members were invited to resolve what decision they would have made if the Council still had the ability to determine that application. The Committee decided not to contest the appeal subject to a condition ensuring that the extension shall not be used as self-contained accommodation</p> <p>In assessing the proposal, on the impact on living conditions of existing occupiers, the Inspector found that the appeal property already benefited from a single storey rear extension adjacent to the boundary with number 22 Mungo Park Road (no 22). The appeal proposal is situated to the northern side of the existing extension and consequently it does not cause a loss of light or privacy to no 22 which lies to the south. The extension is situated 5m from the boundary with the adjacent school and there is extensive screening along the common boundary. Consequently the proposal does not have a harmful effect on the users of the school.</p> <p>On the parking issue, the Inspector noted Council car parking standards as set out in Policy DC33 and Annex 5 of the DPD are based on the location of the property and not the number of bedrooms. The proposal for an additional bedroom would not, therefore, alter the requirement under the standards. The parking situation was an existing one and as the proposal would only increase the number of bedrooms, any effect of the proposal on highway safety would be minimal.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

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					<p>Finally an application for a full award of costs against the London Borough of Havering was allowed as the Inspector found that that unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated and the award of costs therefore was justified.</p>
<p><b>P1508.15</b> 28 Squirrels Heath Lane Romford <i>New detached house and garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, scale, bulk, mass, siting and proximity to the boundaries of the site, appear as an incongruous and unacceptably cramped over-development of the site, to the detriment of local character and the streetscene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of its height, roof form, scale, bulk, mass, siting, combined with its position close to the boundaries of the site, give rise to a cramped appearance and appear a dominant, overbearing, unneighbourly and visually intrusive feature in the rear garden environment harmful to the amenity of adjacent occupiers contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>In the absence of a mechanism to secure a planning obligation towards the infrastructure costs of new development the proposal is contrary to the provisions of the Havering Planning Obligations Supplementary Planning Document and Policy DC72 of the LDF Core Strategy</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector agreed with Council in regard to the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the existing occupiers of neighbouring properties. Given the harm found in relation to the first two issues, the matter of the contribution towards education provision was not considered.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and Development Control Policies DPD.	
<p><b>P1922.15</b> 97 Abbs Cross Lane Hornchurch <i>1 storey side/front extension and vehicle crossing for parking on front</i></p>	Written Reps	Refuse	Delegated	The proposed side extension would, by reason of its width, elevated position and close proximity to the highway, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area and contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	<p><b>Allowed with Conditions</b></p> <p>The Inspector found that given the proportions of the scheme, it would not be an overly dominant or visually intrusive feature, and it would appear subordinate to the host property.</p>
<p><b>P1547.15</b> 28 Mill Park Avenue Hornchurch <i>Single and two storey side extension</i></p>	Written Reps	Refuse	Delegated	The proposed development would by reason of its height and position close to the boundaries of the site, result in light loss and be an intrusive and unneighbourly development as well as having an adverse effect on the amenities of the neighbour at No. 26 Mill Park Avenue, Hornchurch. The development is therefore considered to be unneighbourly and contrary to Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.	<p><b>Dismissed</b></p> <p>The Inspector agreed with the Council and found that the harm to the living conditions of occupants of the neighbouring dwelling in Mill Park Avenue by reason of loss of light and loss of outlook would be unacceptable.</p>
<p><b>P1882.15</b> 13 Burges Close Hornchurch <i>Loft conversion to include rear and side dormers and front velux windows</i></p>	Written Reps	Refuse	Delegated	The proposed rear dormer extension by reason of its bulk, scale, mass and design cannot be satisfactorily accommodated within the roof space of the subject dwelling and is intrusive in appearance. The development is considered to cause unacceptable harm to the character and appearance of the	<p><b>Dismissed</b></p> <p>The Inspector concluded that the new rear dormer would appear as a discordant element. It would cause significant harm to the character and appearance of the appeal dwelling and the local area.</p>



**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				subject building and the Emerson Park Policy Area and therefore conflicts with the aims of Policy DC61 of the Councils LDF Core Strategy and Development Control Policies DPD and 'Residential Extensions and Alterations' SPD. It furthermore conflicts with the National Planning Policy Framework to secure high quality design that maintains or enhances the character and appearance of the local area.	
<p><b>P1901.15</b> 28 Meadway Romford <i>Provision of a two storey rear extension and external alterations to the right facade.</i></p>	Written Reps	Refuse	Delegated  <b>NON DETERMINATION</b>		<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector found that the proposed extension would increase the floor space of the dwelling by over 50 per cent and would extend virtually across the whole width of the property. The extension would dominate the host property rather than appear subservient to it. The proposal would, therefore, be harmful to the character and appearance of the host property and would fail to preserve the character and appearance of the Gidea Park Conservation Area.</p>
<p><b>P1860.15</b> 32 The Ridgeway Gidea Park Romford <i>New three bedroom dwelling with extensions and alterations to existing dwelling</i></p>	Written Reps	Refuse	Delegated	The proposal, by reason of its massing and its proximity to the boundary of the site with Repton Drive is considered to be detrimental to the character of the surrounding area and contrary to Policy DC61 (Urban Design) of the Core Strategy and Development Control Policies Development Plan Document. The proposed access to the parking to the front of the existing house is considered to be unsafe to pedestrians and road users and contrary to policies DC32 (The Road Network) and DC61	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The Inspector found the proposal would not be materially at odds with the local pattern of development or detrimental to the spacious character of the area. The proposal would not be detrimental to highway safety, including to pedestrians, subject to the repositioning of the pillar box immediately outside the site. The Inspector found the contribution required would fail to meet the tests set out in the 2010 CIL Regulations.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>(Urban Design) of the Core Strategy and Development Control Policies Development Plan Document.                      In the absence of a legal agreement to secure contributions towards the demand for school places arising from the development, the proposal fails to satisfactorily mitigate the infrastructure impact of the development, contrary to the provisions of Policies DC29 and DC72 of the Development Control Policies DPD and Policy 8.2 of the London Plan.</p>	

**TOTAL PLANNING =** 27

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>APPEAL DECISIONS - ENFORCEMENT</b>					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments
<b>ENF/168/15/</b> 262 Straight Road Romford	Hearing				<p style="text-align: center;"><b>Dismissed</b></p> <p>The Inspector found that on the basis of evidence supplied the tenants on the balance of probabilities all six units were equipped with cooking facilities and thus amounted to self-contained flats when the enforcement notice was issued. The Inspector also concluded that the lawful use of No 262 as a Class C4 HMO did not occur as an interim stage between use of the property as a single dwelling house and the establishment of the six self-contained units. It follows that conversion to the latter was likely to have been a breach of planning control. The appeal on ground c failed.</p> <p>The appellant put forward an argument that lesser steps would overcome the breach of planning control. It was considered that the solution to remedy the breach of control as argued by the appellant would not fulfil the statutory purpose of the notice and, moreover, would fall outside the scope of the appeal and the powers available to Inspector. Finally the six months was judged to be a more reasonable compliance period as alterations required to comply with the notice were extensive and could only reasonably be commenced once the property had been largely vacated.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/529/14/</b> 17 Keats Avenue Romford</p>	<p>Hearing</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>It was noted that officers had visited the property however no cooking facilities were found in the units where accessed was gained. Evidence of cooking facilities in three of the studio units were only made by third parties after the notice had been served. Such facilities only remained in place in one of the units at time of the site visit conducted by the Inspector. The Council provided evidence in the form of a letter asking the tenants of the appeal site to remove their cooking facilities from their flats by the day before the Hearing. It was sent by the management company looking after the building and raised suspicion as to how the property was being used at that time. The Council attributed weight to this in support of its case for enforcement action. However, the Inspector found that the letter does not of itself amount to reliable evidence that there were, as a matter of fact, cooking facilities within each unit at the time it was sent.</p> <p>The Inspector considered that the case presented by the Council was not supported by conclusive evidence and needed to be underpinned by a more persistent and thorough investigation. At the Hearing the Council sought to draw a parallel between the ground (b) argument; That the breach of planning control alleged in the enforcement notice had not occurred as a matter of fact, and an appeal in similar case in the London Borough of Brent. The Inspector considered that evidence in the Brent appeal was markedly different to that presented in relation</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/529/14/</b> 17 Keats Avenue Romford</p>	<p>Hearing</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>this appeal.</p> <p>The Appellant produced little in the form of relevant evidence countering the allegation with assertions that self-containment has not occurred. The onus of proof is firmly on the Appellants to demonstrate on the balance of probabilities that the matters stated in the notices had not in fact occurred when they were issued. The Inspector made clear that if the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the Appellants' version of events less than probable, there is no good reason to dismiss an appeal. The Inspector concluded on the balance of probabilities that the matter stated in the notice had not occurred at the time it was issued and that, instead, it is more likely than not that appeal site was in use as a HMO.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/214/15/</b> 52 Sevenoaks Close Romford</p>	<p>Hearing</p>				<p style="text-align: center;"><b>Quashed</b></p> <p>It was noted that officers had visited the property but the case presented was not supported by conclusive evidence and needed to be underpinned by a more persistent and thorough investigation in the view of the Inspector. The Council's case for there having been six self-contained flats in the appeal property was based on the supposition that all the tenants were likely to cook in their rooms or, alternatively, that undisputed facilities present in all units were sufficient in themselves to preclude genuine HMO use. No other party aside from the Council claimed in any evidence that any of the six units contained equipment for heating food before or at the time that the notice was issued. Nor was there any evidence when the Inspector visited the property that such equipment had been introduced subsequently. At the Hearing the Council sought to draw a parallel between the ground (b) argument and an appeal in similar case in the London Borough of Brent. The Inspector considered that evidence in the Brent case was markedly different to that presented in relation this appeal.</p> <p>Although the Appellant produced little in the form of relevant evidence countering the allegation with assertions that self-containment has not occurred. The Inspector concluded on the balance of probabilities that the matter stated in the notice had not occurred at the time it was issued and that, instead, it is more likely than not that appeal site was in use as a HMO.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
TOTAL ENF =	3				

**LIST OF APPEAL DECISIONS MADE BETWEEN 28-MAY-16 AND 19-AUG-16**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>Summary Info:</b>					
Total Planning =		27			
Total Enf =		3			
Appeals Decided =		31			
Appeals Withdrawn or Invalid =		1			
Total =		30			
	<b>Dismissed</b>		<b>Allowed</b>		
Hearings	1	3.33%	2	6.67%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	19	63.33%	8	26.67%	