

LIST OF APPEAL DECISIONS MADE BETWEEN 30-MAY-15 AND 31-JUL-15

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p>P0675.14 14 Beverley Gardens and land r/o 12, 16 and Beverley Gardens Hornchurch <i>The demolition of number 14 Beverley Gardens, the formation of a new access road, and footpath, and the erection of 2 dwellings consisting of 2 x 3 bedroom bungalows, one with detached double garage and one with integral double garage.</i></p>	Hearing		<p>NON DETERMINATION</p>		<p>Allowed with Conditions</p> <p>The main issue in this case was whether the proposal makes adequate provision for infrastructure, services and facilities arising from the development.</p> <p>On 28 November 2014 the Written Ministerial Statement (WMS) was issued setting out national policy on Section 106. Certain new or amended paragraphs concerning planning obligations within the Government's Planning Practice Guidance (PPG) also came into force on 27 February 2015. Moreover, the transitional period under the Community Infrastructure Levy Regulation 123(3) (CIL), after which S106 planning obligations designed to collect pooled contributions ('tariffs') which may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015.</p> <p>In summary the WMS provides more up to date national policy than Havering's Local Development Framework which is no longer consistent with national policy. The PPG reaffirms this, confirming that affordable housing and tariff style planning obligations should not be sought for small scale development such as the appeal scheme. It also makes it clear that these are changes to national policy and should be read alongside the NPPF. The Inspector considered that a planning obligation securing a contribution towards infrastructure was not necessary to make the development acceptable.</p>

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<p>P0700.14 14 Beverley Gardens & land r/o 6-12 Beverley Gardens and 36 and 38 Curtis Road Hornchurch <i>Demolition of No. 14 Beverley Gardens, the formation of a new access road and footpath and the erection of a detached three bedroom bungalow with car port for the parking of two cars and two additional car parking spaces</i></p>	<p>Hearing</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would result in an unacceptable encroachment into this undeveloped land, which would appear out of keeping in the context of the neighbouring rear gardens in Curtis Road, harmful to the open and spacious character and appearance of the surrounding area, contrary to Policies DC61 and DC69 of the Local Development Framework Development Plan Document, the Residential Design SPD and the Emerson Park Policy Area SPD. 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 and Development Control Policies DPD.</p>	<p>Allowed with Conditions</p> <p>Two issues in this appeal; firstly, the effect that the development would have on the character and appearance of the surrounding area , and secondly whether the proposal makes adequate provision for infrastructure, services and facilities arising from the development</p> <p>On the first issue, the appeal development would only add one further dwelling in this area and even in combination with the extant permission would therefore be little different to the larger existing developments immediately to the north and west.</p> <p>The resultant building to plot ratio would therefore be broadly comparable, and in some cases larger than those of nearby dwellings in surrounding roads. The front garden area would be generously sized and would add to the open, landscaped appearance of the plot. The hipped roof design of the proposed dwelling combined with its modest height would reduce any potential sense of enclosure or loss of openness given the location of the built form relatively close to the side boundaries of the site. In summary the Inspector found that the proposed plot would appear deceptively spacious and not be unduly cramped or out of keeping with the prevailing pattern of development in this sector of Emerson Park</p> <p>As way of background to the second issue, on 28 November 2014 the Written Ministerial</p>

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					<p>Statement (WMS) was issued setting out national policy on Section 106. Certain new or amended paragraphs concerning planning obligations within the Government's Planning Practice Guidance (PPG) also came into force on 27 February 2015. Moreover, the transitional period under the Community Infrastructure Levy Regulation 123(3) (CIL), after which S106 planning obligations designed to collect pooled contributions ('tariffs') which may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015.</p> <p>The WMS provides more up to date national policy than Havering's Local Development Framework which is no longer consistent with national policy. The PPG reaffirms this, confirming that affordable housing and tariff style planning obligations should not be sought for small scale development such as the appeal scheme. It also makes it clear that these are changes to national policy and should be read alongside the NPPF. The Inspector considered that a planning obligation securing a contribution towards infrastructure was not necessary to make the development acceptable.</p>
<p>D0149.14 30 Epping Close Romford <i>Certificate of lawfulness for proposed single storey rear extension & loft extension - dormer to</i></p>	<p>Written Reps</p>		<p>Delegated</p>	<p>The development is not permitted by Class B as the face and sides of a dormer window are not finished using materials that give a similar visual appearance to existing house. The materials used for facing a dormer should appear to be of similar colour</p>	<p>Allowed</p> <p>The application for a certificate of lawful use or development was refused because of concerns about the height of the installation and the materials used to clad it. This was based on the dormer as built, with the air-conditioning unit on its roof and the tiles that</p>

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<i>rear</i>				<p>and design to the materials used in the main roof of the house when viewed from ground level.</p> <p>The provision of the air conditioning unit on top of the flat roof of the rear dormer window would fail to meet permitted development guidelines as it would result in the highest part of the alteration in this instance the air conditioning unit being higher than the highest part of the original roof.</p>	<p>have been used to clad the sides of the dormer. In this case, the air conditioning unit on the roof of the dormer takes the height above that of the original ridge level and planning permission for it will be required.</p> <p>The sides and front of the dormer have been clad in plain machine-made tiles which are different in shape and colour to the profiled tiles that cover the main roof. The Council has concluded that this means that the development fails to comply with the legislation. The colour of the tiles is different to that of the main roof, but the contrast between the colours is not great, the tiles are of a similar texture and those on the dormer would not appear out of place in this context. The Inspector found whilst the tiles that have been used on the dormer sides are not an exact match are similar enough in appearance to those on the roof to meet the terms of the GPDO</p> <p>The Inspector concluded that the appeal should succeed and granted a certificate of lawful use or development in respect of the proposed single storey rear extension and loft extension and dormer to rear.</p>
<p>P0811.14 230 St. Marys Lane Upminster <i>Demolition of existing mixed use building with re-development of site to create nine new</i></p>	Written Reps	Approve With Conditions	Committee	The site is in a sensitive location close to a listed building. Having regard to the predominantly traditional architectural form and appearance of the prevailing streetscene, the contemporary design of the proposal and its combined bulk, together with its eastern neighbouring	<p>Allowed with Conditions</p> <p>The Inspector observed that the proposed development is a contemporary design incorporating a more rectangular appearance than the typical hipped roofed form of the adjacent semi-detached property. The main bulk of the proposed building, would be about</p>

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<p><i>dwelling comprising 1 one-bedroom and 8 two-bedroom units with basement parking.</i></p>				<p>block, would overpower the streetscene and detract from the character and appearance of the area, contrary to policies DC61 and DC67 of the LDF Core Strategy and Development Control Policies DPD and the guidance in the National Planning Policy Framework. 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 and Development Control Policies DPD.</p>	<p>the same height as the adjacent development to the east and slightly lower than the hipped roofed building to the west. The structures on the roof would be set back from the front of the building and consequently would not be visually dominant when viewed from the road. The proposal would remove the existing flat roofed buildings. These fail to reflect either the scale or style of development in the nearby area and considerably detract from the appearance of the area.</p> <p>In summary, the proposal, differs in style, design and form from the more domestic semi-detached style properties. However in respect of its form, bulk and scale, it would not appear overpowering or detract from the street scene. In coming to this view, the Inspector paid regard to the cumulative effect arising from the appeal proposal and the existing development immediately adjacent to the site. The site is also close to the Clockhouse, which is a Grade II Listed Building however given the removal of the existing buildings and re-siting of the buildings on the site; the setting of the Clockhouse and associated Gardens would be preserved.</p> <p>As way of background to the second issue, on 28 November 2014 the Written Ministerial Statement (WMS) was issued setting out national policy on Section 106. Certain new or amended paragraphs concerning planning obligations within the Government's Planning Practice Guidance (PPG) also came into</p>

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					<p>force on 27 February 2015. Moreover, the transitional period under the Community Infrastructure Levy Regulation 123(3) (CIL), after which S106 planning obligations designed to collect pooled contributions ('tariffs') which may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015.</p> <p>The WMS provides more up to date national policy than Havering's Local Development Framework which is no longer consistent with national policy. The PPG reaffirms this, confirming that affordable housing and tariff style planning obligations should not be sought for small scale development such as the appeal scheme. It also makes it clear that these are changes to national policy and should be read alongside the NPPF. The Inspector recognised the development would have an impact on the infrastructure of the Borough but the proposed development falls below the thresholds set out in the PPG. Furthermore In light of the WMS, the scale of the development proposed it was concluded that infrastructure contributions should not be sought in respect of this proposal.</p>
<p>P1050.14 3 Campbell Close Romford <i>Garage conversion</i></p>	<p>Written Reps</p>	<p>Approve With Conditions</p>	<p>Delegated</p>	<p>The development to which this permission relates must be commenced not later than three years from the date of this permission.</p> <p>Reason:-</p> <p>To comply with the requirements of</p>	<p>Allowed with Conditions</p> <p>The appeal was against the condition requiring that 2 parking spaces be provided. The Inspector was satisfied that, even if the occupiers' parking demands cannot at all times be accommodated on-site any additional parking could take place on-street without being prejudicial to highway safety.</p>

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				<p>Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Before the development hereby permitted is first occupied, provision shall be made within the site for two car parking spaces dimensioned 4.8m long by 2.4m wide and thereafter this provision shall be made permanently available for use, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason:-</p> <p>To ensure that adequate car parking provision is made off street in the interests of highway safety. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).</p> <p>Reason:-</p> <p>The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details</p>	<p>This would also allow for the front lawn garden area to be retained In conclusion the condition was neither reasonable nor necessary in the interests of highway safety.</p>

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				submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.	
<p>P1337.14 108 Heath Park Road Romford <i>Alterations to convert a 3 bed maisonette to the rear and above a shop into 2No 1 bed flats including a new external staircase to the rear to give access to the proposed 1st floor flat</i></p>	Written Reps	Refuse	Delegated	<p>The proposed external staircase would, by reason of its height, position and proximity to neighbouring properties cause overlooking and loss of privacy which would have a significant adverse effect on the living conditions of neighbouring occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed external staircase would, by reason of its scale, height and position appear as an overly dominant and visually intrusive addition, creating an incongruous feature within the rear yard setting harmful to the character of the surrounding rear area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. 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 and Development Control Policies DPD.</p>	<p>Allowed with Conditions The Inspector considered that the proposed external staircase would not be an overly dominant or intrusive addition given the simple design and black-painted finish. The staircase would allow some overlooking of any neighbouring occupiers sitting out in their gardens or using their outdoor amenity spaces. However these views would be momentary and fleeting given the small size and functional design of the platform at the top of the staircase which renders it unsuitable for use as an amenity space. Finally the lack of a mechanism to secure a financial contribution did not weigh against granting planning permission.</p>
<p>P1376.14 22 Woodlands Avenue Hornchurch <i>Enclosing the existing porch, alterations to front elevation fenestration,</i></p>	Written Reps	Approve With Conditions	Committee	<p>The proposed development would, by reason of its excessive bulk and position along the boundary, would result in an overly dominant feature harmful to the outlook and rear garden character of 22 Woodlands Avenue contrary to Policies</p>	<p>Allowed with Conditions The main issue was the two storey extension above and to the side of the garage building. The Inspector found that the size and scale of the extensions would not be excessive for the size of the appeal dwelling. The</p>

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<i>ground floor rear extensions and first floor rear extension</i>				DC61 and DC69 of the LDF. The proposal would adversely affect a preserved tree which would materially harm its contribution to the amenity of the garden setting and character of Emerson Park, contrary to Policies DC60 and DC69 of the LDF.	extensions combined would be proportionate to the host dwelling and respond to key design features in the use of glazing, gables and hipped roofing so as to be in keeping On the issue of the TPO trees, any pruning in connection with the construction is likely to be minor without affecting the amenity value of the trees and the Inspector found that the trees are unlikely to impact on light to the extension. In terms of amenity, although there would be built form alongside a significant part of this shared boundary, this would not give rise to an overbearing or enclosing form of development. The separation distances between the extension and the adjacent property would suffice to avoid an adverse impact on daylight to its rooms
P1545.14 1 Martinstown Close Emerson Park Hornchurch <i>New dwelling house</i>	Written Reps	Refuse	Delegated	The proposed dwelling would have a significant visual impact on the perception of openness in the rear garden setting, which is a key characteristic of the Emerson Park Policy Area, and contrary to Policy CP17, DC61, DC69, and DC72 of the Council's Core Strategy and Development Control Policies DPD 2008, and the Emerson Park Policy Area SPD, and Policy 7.4 of The London Plan 2011. The proposed development would, by reason of its position and proximity to neighbouring properties cause overlooking, loss of privacy and loss of	Dismissed The Inspector found that whilst the design of the proposed dwelling would be acceptable, its overall form, size and siting would result in a loss of openness in this rear garden scene. It was noted that some dwellings have had large additions or bungalows have been redeveloped to become houses, none of the examples viewed included the subdivision of a plot to build a new dwelling with the consequent effect on spaciousness. The proposed development would therefore have an adverse effect on the character and appearance of the surrounding area, having regard to its designation as the Emerson Park Policy Area.

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				<p>outlook which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. 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 and Development Control Policies DPD.</p>	<p>In regard to the effect on outlook, the Inspector considered that the proposed dwelling would have an adverse effect on the open outlook currently enjoyed by the occupiers of two properties to the rear of the proposed dwelling, This is because the proposed size and siting of the dwelling would result in built form more or less across the full width of the plot and the open aspect of the rear garden areas would herefore be unacceptably reduced.</p> <p>The Inspector noted the recent revision to government policy as set out the Written Ministerial Statement dated 28 November 2014 and relevant changes have also been made to the Planning Practice Guidance. These made clear that contributions should not be sought in relation to proposals for ten residential units or less. The relevant LDF Policy and Supplementary Planning Document are no longer consistent with national policy. It was found that the Council's desire to fund additional educational facilities from small-scale schemes, is no longer realistic in the current policy framework.</p>
<p>P1764.14 107 Laburnum Walk Hornchurch <i>Two storey front extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its excessive depth, height, bulk and mass, unbalance the appearance of this semi-detached pair of properties and appear as an unacceptably dominant and visually intrusive feature in the streetscene, harmful to the appearance of the surrounding area, contrary to Policy</p>	<p>Dismissed</p> <p>The proposal was for a two storey front extension of significant depth relative to the existing house. The effect of the projection and two storey design would be an overly dominant addition which would detract from the original form of the dwelling and would unbalance the pair of semi-detached properties. It would draw the</p>

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				DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed two storey front extension would, by reason of its excessive depth, 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 adjacent occupiers, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.	eye in the street scene, being visible from a number of public viewpoints.
<p>P0037.15 7 Freeman Way Hornchurch <i>Two storey side extension</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of its bulk, mass, excessive width and lack of articulation appear disproportionately wide and out of scale with its surroundings. In addition, the development will appear cramped within its plot and an unacceptably dominant and visually intrusive in the streetscene causing harm to the character and appearance of the surrounding area. The development is thus contrary to the Supplementary Residential Extensions and Alterations Planning Document and Policies DC61 and DC69 of the LDF Development Control Policies Development Plan Document and the Emerson Park Policy Area Supplementary Planning Document.	<p>Allowed with Conditions</p> <p>The Inspector considered that the proposal would sit acceptably in its visual and spatial context without causing harm. It would be well designed, appropriately reflecting the appearance of the host property; it would have an acceptable level of space between it and the common boundary, and the completed development would be perceived as complementing the character and appearance of development in the surrounding area.</p>

TOTAL PLANNING = 10

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APPEAL DECISIONS - ENFORCEMENT					
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ENF/36/14/ Hogbar Farm Lower Bedfords Road Romford	Hearing				Dismissed The appeal was in relation to the east part of the site where planning permission had only recently expired. Despite changes to the Land Registry details that led to the Council including this site in the enforcement notice, it is clear that this is a separate site. The Inspector therefore amended the plan attached to the notice and in effect had no other option but to dismiss the appeal in other respects.
ENF/36/14/ Hogbar Farm Lower Bedfords Road Romford	Hearing				Part Allowed/Part refused The Inspector acknowledged that the main reason for the Council serving notice was that the site would have become lawful and immune from any further enforcement action. The proposal is inappropriate development in the Green Belt, however a temporary permission would give the family living on the plot a short term degree of permanency and enable the Council to finalise and adopt their Gypsy policy. A three year temporary consent was granted.

TOTAL ENF = **2**

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<u>Summary Info:</u>					
Total Planning =		10			
Total Enf =		2			
Appeals Decided =		13			
Appeals Withdrawn or Invalid =		1			
Total =		12			
	Dismissed		Allowed		
Hearings	1	8.33%	3	25.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	2	16.67%	6	50.00%	