



Appeal Decision

Site visit made on 31 August 2023

by **Diane Lewis BA(Hons) MCD MA LLM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/B5480/C/22/3305882

Land at 49 Heath Drive, Romford, RM2 5QL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr John Shillingford against an enforcement notice issued by London Borough of Havering.
 - The notice, numbered ENF/309/22, was issued on 22 July 2022.
 - The breach of planning control as alleged in the notice is Without planning permission, the formation of a hard surface in the front and side garden of the property.
 - The requirements of the notice are to:
 - i. Remove all hard surfacing from the front and side of the property in the area shown hatched black on the attached plan, and
 - ii. Remove all other debris, rubbish or other materials accumulated as a result of taking step (i) above.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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DECISION

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

REASONS

2. 49 Heath Drive is a residential property located in the northern part of Gidea Park Conservation Area. The main issue is the effect of the development on the character and appearance of the Conservation Area.
3. The Heritage SPD explains Gidea Park Conservation Area was designated in 1970 and extended in 1989 to include the purpose built railway station. The Conservation Area "owes its unique character to the efforts of Sir Herbert Raphael in the early 20th century to create a Garden Suburb with a delightful variety of houses by well-known architects of the day complemented by a smaller development of modern style during the inter-war period. Although the Competition and Exhibition houses are individually architect designed, the area has a common vocabulary of vernacular detailing and materials of the "Arts and Crafts" style, within a green and verdant setting." The Conservation Area Character Appraisal (the Appraisal) confirms the character of the area is as dependent upon the mature gardens, street trees and open land as it is upon the layout of the streets and the architecture and materials of the houses.

4. Heath Drive is a principal access road and is identified as one of the most architecturally distinguished roads in the Conservation Area. The houses are more expansive to match the wider road and golf course views to the east. Private gardens, trees and boundary hedges are an integral part of the area's character. Number 49 is a corner property and the house makes a positive contribution to the Conservation Area. In terms of historical development Number 49 is in the category of 1910/1911 exhibition houses including competition entries¹.
5. The full width of the front garden area has been hard surfaced with a material described as shingle/gravel on the appellant's plan. Vehicular access to the hard surfaced area is from a driveway entrance onto Heath Drive, marked by two brick piers and setts. A hedge extends along the front boundary between the driveway to the pedestrian gate at the corner and then the hedge returns along part of the boundary to Reed Pond Walk. A small planting bed is behind the front hedge. The appellant's photographs show a paved patio to the side of the house. The plan attached to the enforcement notice identifies by black hatching the area of hardstanding to be removed, which excludes the paved patio.
6. A lot of front gardens along Heath Drive and elsewhere in the Conservation Area are hard surfaced, although there is no overall consistency in the materials or the amount of retained vegetation and hedging. However, the Appraisal identifies the loss of gardens to parking and the impact of parked cars on the setting of the houses as negative factors. One of the pressures is to accommodate 21st century car ownership and demand for garages and front-garden parking in the context of an area designed for low levels of car ownership. An Article 4 direction is in place as a means of protecting the Conservation Area from inappropriate development. Planning permission is required for a range of developments that normally would be permitted², including the provision or replacement of a hard surface to the front and sides of a dwellinghouse. There are many properties where front gardens remain, including near to the appeal site.
7. The appellant stated that the gravel hardstanding has only resulted in removal of a minimal amount of grass that existed previously, with the surface already having a significant paved area. However, the aerial photograph submitted by the Council and given a date of 2020 shows lawns and vegetation over much of the front garden, and there is no sign of a vehicle access. The only hard surfacing was the paving from the corner gate to the front door. The soft treatment and mature garden to the front of one of the original exhibition/competition houses would have been an integral part of the property's character, which also enhanced the appearance of the street. The loss of the front garden is a further erosion of the Conservation Area's quality and is detrimental to local character and distinctiveness.
8. The appellant considers the changes minor in relation to the street and that the property when viewed from the street appears largely the same. It is the case that the main view of the hard surfacing from the street is by the front vehicular access, primarily because of the boundary hedges. Nevertheless, the cumulative impact from relatively small scale incremental change is harmful to the character and appearance of the Conservation Area, as highlighted by the

¹ Map 2 in the Appraisal

² Under The Town and Country Planning (General Permitted Development) (England) Order 2015

Appraisal. The frontage to the house now appears somewhat harsh, with the hard surfacing extending right up to the base of the dwelling. The loss of greenspace is a discordant change, taking into account the location of the property opposite the open space of the golf course and on the edge of the urban area.

9. With all the above considerations in mind I conclude the development causes less than substantial harm to the significance of the designated heritage asset.
10. The appellant has not explained the reason for the hard surfacing or identified any public benefit. When I carried out the site visit there were two cars parked to the front of the house and no doubt parking outside the front door is convenient for residents. However, there is a garage with a paved driveway at the end of the back garden (as shown on the appellant's plan). The property benefits from off-street parking without the use of the front garden for parking. The less than substantial harm is not outweighed by any public benefit.

Conclusions

11. The development is not of high quality and has not respected the distinctive character of the Conservation Area, where mature gardens complement the architecture and enhance the appearance of the street. In sum, the formation of the hard surfacing is harmful to the character and appearance of the Conservation Area. This harm has considerable importance and weight.
12. The development is not supported by Policies 26, 27 and 28 of the Havering Local Plan adopted in 2021 and Policies D3 and HC1 part C of the London Plan 2021. The less than substantial harm to the designated heritage asset is not justified by any public benefit, leading to non-compliance with the National Planning Policy Framework.
13. The development does not accord with the development plan when read as a whole and there are no considerations that indicate the decision should be made other than in accordance with the plan. The appeal fails on ground (a).
14. For the reasons given above, the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Diane Lewis

INSPECTOR