
Appeal Decision

Site visit made on 8 November 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2016

Appeal Ref: APP/B5480/D/16/3156796

231 Cross Road, Mawneys, Romford RM7 8HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Mazzreku against the decision of the Council of the London Borough of Havering.
 - The application Ref P1553.15, dated 22 October 2015, was refused by notice dated 21 June 2016.
 - The development is retention of loft conversion with rear dormer (done under permitted development right).
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with rear dormer at 231 Cross Road, Mawneys, Romford RM7 8HS in accordance with the terms of the application, Ref P1553.15, dated 22 October 2015, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Revision A and 15.

Procedural Matters

2. The planning application form states that the development was completed in October 2015 and at the time of my visit the loft had been converted and a rear dormer had been erected. However as I cannot be certain that the development on site is fully in accordance with the submitted plans, in reaching my decision I have assessed the development as shown on the submitted plans.
3. The description of development in the heading above has been taken from the planning application form. However in allowing the appeal I have amended the description to remove reference to retention which is not a description of development and have also removed reference to permitted development rights as I understand that such rights for dormers have been removed on the appeal dwelling.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the host dwelling and the surrounding area;
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- The effect of the development on the living conditions of the occupiers of neighbouring properties having regard to privacy.

Reasons

Character and appearance

5. The appeal site comprises a mid terraced two storey property located centrally between two other dwellings of a similar scale. It is within a predominantly residential area comprising properties of a similar style. The appeal dwelling and the adjoining property at 231A Cross Road have a similar appearance and have the same facing materials including dark grey roof tiles. In addition both Nos 231 and 231A have adjoining two storey hipped roof rear extensions. The appeal site fronts onto Cross Road and adjoins Anson Close. The rear elevations of the appeal dwelling and adjoining properties are visible from Anson Close.
6. The rear dormer is flat roofed and is set slightly below the main ridge of the roof of the appeal dwelling. It does not affect the front elevation of the appeal dwelling and is not visible from Cross Road. The dormer is set back from the eaves of the roof, only extends partially across the roof and is fairly symmetrical in relation to the hipped roof of the two storey rear extension. It is faced in hanging tiles to match the existing roof tiles. Consequently the dormer is not out of scale and character with the appeal dwelling and whilst it is visible from Anson Close, its limited size, set back position and the use of matching tiles means that it is not prominent and that it maintains and is not harmful to the visual amenity of the surrounding area.
7. Taking the above matters into consideration, I conclude that the development does not adversely affect the character and appearance of the host dwelling and the surrounding area. It therefore complies with the development plan and in particular Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (CSDCPDPD). This policy states, amongst other things, that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.

Living conditions

8. The rear dormer contains a small window in its rear elevation. The window is positioned at the top of the stairs used to access the loft accommodation which comprises a bedroom and a bathroom. The rear elevation of the appeal dwelling faces towards the rear elevations and rear gardens of properties on Anson Close.
9. The window is modest in size and is not a main window to a habitable room. The loft bedroom and bathroom are served by rooflights located in the front roofslope of the appeal dwelling. At my site visit I viewed the position of the window from within the appeal dwelling. I noted that its position and height in relation to the top of stairs means that views from it when using the stairs are limited as the level of the bottom of the window is high in relation to the level of the stair treads. In addition the stairs turn at a point close to the window meaning that users of the stairs are side onto and are not directly facing the window. I also observed at my site visit that the position of the window relative to the hipped roof of the two storey rear extension means that any

view from it over neighbouring properties and gardens is extremely limited and does not result in any significant loss of privacy. Consequently though I note the appellant's offer to obscurely glaze the window, I do not consider that this is necessary.

10. Taking the above matters into consideration, I conclude that the development does not adversely affect the living conditions of the occupiers of neighbouring properties having regard to privacy. It therefore complies with the development plan and in particular Policy DC61 of the CSDCPDPD which states, amongst other things, that planning permission will not be granted where the proposal results in overlooking or loss of privacy.

Other Matters

11. In reaching my decision I have had regard to the objections raised by interested parties in relation to the planning application. Firstly I note that there is some concern as to whether the new dwelling at No 231A and the alterations to the appeal dwelling have been carried out fully in accordance with the previously approved plans and concerns regarding the use of Nos 231 and 231A as Houses in Multiple Occupation (HMOs). Concerns have also been raised regarding the impact of the existing rear windows on privacy. However this appeal relates solely to the loft conversion and rear dormer at No 231 and as such any concerns regarding non-compliance with a previous permission, a change of use or the impact of existing windows are not matters for me to consider in dealing with this appeal.
12. Whilst the submitted plans do not show the dormer in relation to the adjoining properties I am satisfied that I have sufficient information to enable me to fully assess the development. The fact that the development has been carried out prior to planning permission having been obtained is not a reason in itself to withhold planning permission now.

Conditions

13. The Council has not suggested any conditions should the appeal be allowed. Whilst the development has already taken place and I consider what has been constructed on site to be acceptable, I cannot be certain that the as built development is fully in accordance with the submitted plans. I have therefore imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR