

Appeal Decision

Site visit made on 5 December 2016

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 16 December 2016

Appeal Ref: APP/B5480/D/16/3160735
15 Fairholme Avenue, Romford, RM2 5UP

- 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 Kuldip Singh Uppal against the decision of London Borough of Havering Council.
 - The application Ref P0644.16, dated 21 April 2016, was refused by notice dated 19 September 2016
 - The development proposed is conservatory at rear of the property with part rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory at rear of the property at 15 Fairholme Avenue, Romford, RM2 5UP in accordance with the terms of the application Ref P0644.16, dated 21 April 2016, subject to the following 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 the following approved plans: numbers PL01 Revision A, PL02, PL03, PL04 Revision A, PL05 Revision A & PL06 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Council's decision notice records that the decision was made with regard to revised plans received on 15 August 2016. I am obliged to make my decision on the same basis.
 3. It is not evident from the information before me that neighbours were re-notified of this, and several of the representations I have seen are dated in June. The principal effect of the revisions is to reduce the width of the proposed conservatory from virtually the full width of the property to significantly less than half of it, and for it to be set back by between 3 & 4 metres from the boundaries to either side. On this basis, the impact of
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neighbouring properties would be reduced. As a result I consider that the interests of objectors would not be prejudiced by basing my decision on the revised plans.

4. The description of the proposal given in the summary above is taken from the planning application form. It is not clear what "with part rear extension" means, and the only works shown on the drawings are the conservatory. I consider the proposal accordingly. In the interests of certainty I omit these four words from my formal decision.

Main Issue

5. I consider that this is the effect of the proposal on the character and appearance of the rear garden and its surroundings.

Reasons

6. The appeal house has been significantly enlarged to the side (a 2 storey extension) and to the rear (by a large box dormer and a ground floor extension, both almost to the full width of the property). In addition, there is a large single storey detached outbuilding occupying much of the far end of the rear garden. The Council (and objectors) regard the additional proposed development as being out of character with the openness of the rear garden and its surroundings.
7. I estimate from the drawings and my site visit that the existing rear extension and outbuilding occupy about half the original depth and area of the rear garden. However, this still leaves a distance of over 12 metres between the house and outbuilding. The conservatory would intrude a further 3 metres into this space, and would be less than 4 metres wide (compared to a width of over 9 metres for the existing ground floor extension). The structure would be relatively light weight in appearance, with a sloping glazed roof and windows and glass double doors occupying most of its elevations. Other properties nearby have rear extensions and/or conservatories, and some outbuildings, sheds etc., though none to the scale of the appeal site.
8. I observed that the rear gardens along the row are quite deep and beyond them is a belt of trees bordering rail or tube lines, which gives an enhanced sense of openness to the rear gardens. Moreover, the proposal would not be seen from the public domain. Thus although the scale of development on the site is likely to be approaching an unacceptable level, I consider that the relatively limited additional impact of the proposed conservatory would not cause a significant departure from the prevailing pattern of development and openness. As such it would not contravene provisions in Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008), to the extent that planning permission should be refused. Among other things, this policy requires regard to be had to distinctive local patterns of development and the scale of the surrounding physical context.
9. Other objections have been raised locally. These include loss of privacy, overshadowing, overbearing effect and harm to garden outlook. However, bearing mind paragraph 3 above and my observations at the site visit, I consider that the proposal in its revised form, being set well away from the property boundaries, would not give rise to a material level of harm in these

respects. Concerns about the future use of the outbuilding is not a matter that is before me. Likewise, the possibility of setting an adverse precedent should not arise, as each proposal needs to be considered on its own merits.

10. It is important that the conservatory should be constructed in accordance with the revised plans, to allay concerns about harm to living conditions and to provide certainty. In the interests of a satisfactory appearance, materials should match those in the existing building.
11. Subject to imposing planning conditions on these matters, I conclude that the proposal would not materially harm the character and appearance of the rear garden and its surroundings. No conflict would arise with Policy DC61.
12. Overall and on balance there is therefore no reason to withhold planning permission, and I allow the appeal.

G Garnham

INSPECTOR