

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/16/3157728
185 Corbets Tey Road, Upminster, RM14 2YN

- 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 Guy Maltby against the decision of London Borough of Havering Council.
 - The application Ref P0498.16, dated 15 March 2016, was refused by notice dated 1 July 2016.
 - The development proposed is 2-storey side extension and ground floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that this is the effect of the proposal on the living conditions of the occupiers of 187 Corbets Tey Road, with respect to loss of light and outlook.

Reasons

3. The Council has not objected to the impact of either part of the proposal on the character and appearance of the building or the locality, or to the effect of the ground floor rear extension on the living conditions of the neighbours on either side. I have no reason to take a different view on these matters. Consequently I focus my consideration on the matter in dispute, which is the effect of the two storey side extension on the occupants of the nearer part of the pair of semi-detached houses next door.
 4. The reason for refusal cites the Council's *Residential Extensions and Alterations* Supplementary Planning Document [SPD] (2011). This gives guidance on the impact of side extensions on the side windows of neighbouring properties. It says that side extensions will not be permitted where they break a 45 degree line taken from the sill of a primary original window serving a habitable room on the side wall of the adjoining house (in this case, no.187). The reason given is to avoid undue loss of sunlight or daylight next door.
 5. From my assessment of the drawings, and the relationship between the two properties that I observed on site, I consider that a 45 degree line as defined
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in the SPD would be breached by the 2-storey side extension. The appellant appears not to contest this finding, or that the window is to a habitable room. His objection is that the window is not "original", in the terms of the SPD. It is located towards the rear of the main side wall of the house.

6. I have considered carefully the "original Building Plans" for no.187, submitted by the appellant. I am not persuaded that they give an entirely accurate indication of what was "originally" built. First, the Block Plan shows the adjoining pairs of houses parallel to the road, and set back from it by the same distance. In reality, and according to the submitted 1:1250 location plan (confirmed by my observations), no.187 is set forward of no.185 by some distance, and neither pair is aligned with the highway. Second, it is true that the customised Standard Plan for no.187, which adds a lean-to scullery behind a room labelled "kitchen", does not show a side window for this room. On this basis, the appellant says the window was not "original", and hence no conflict can arise with the SPD. However, this Plan shows no windows in other rooms (and labels "bath room" where the front door is). I consider that it is unlikely that the kitchen would have had no window. The only place where I consider that it could reasonably have been placed is where there is the existing ground floor window at no.187.
7. Consequently, I give only limited weight to the reliability to be placed on these "original" drawings, in so far as the interpretation of the SPD is concerned. I regard the actual relationship of the window to the proposal as being of more material importance. The side extension would be on the boundary between the two properties. Because no.187 is stepped forward of the appeal site, more of the side extension affects to the neighbour's side window than would otherwise be the case. I consider that the side extension would occupy much of the outlook from the window at no.187, towards either side, and, given the limited separation distance, would be very largely above a 45 degree line from the sill. In these circumstances, and notwithstanding the particular wording of the SPD, I consider that there would be a significant reduction in the amount of daylight received in, and in the quality of the outlook from, the neighbour's window. Effect on a neighbour's outlook is identified in the SPD as being an important consideration. The effect on sunlight would be limited, however, as the appeal site lies north of no.187.
8. Policy DC61 is also cited by the Council. It concerns urban design and is the main policy for which the SPD provides design guidance. It is found in the Havering Core Strategy and Development Control Policies Development Plan Document (2008). Among other things, it says that planning permission will not be granted where a proposal results in unacceptable loss of daylight. To this harm should be added the loss of outlook, and added sense of enclosure, that I have also identified. I consider that this adverse effect would not be mitigated or offset by a lack of harm in other respects.
9. I conclude that the proposal would materially harm the living conditions of the occupiers of 187 Corbets Tey Road, with respect to loss of light and outlook, contrary to Policy DC61 and general guidance in the SPD. Overall and on balance, planning permission should be withheld, and I dismiss the appeal.

G Garnham

INSPECTOR