The Planning Inspectorate

Appeal Decision

Site visit made on 5 January 2017

by Peter D Biggers BSc Hons MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/B5480/D/16/3163123
7 Camborne Way, Romford RM3 8RA

- 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 B Luxton against the decision of the London Borough of Havering Council.
- The application Ref P0565.16, dated 12 April 2016, was refused by notice dated 8 August 2016.
- The development proposed is ground and first floor rear extensions.

Decision

1. The appeal is allowed and planning permission is granted for ground and first floor rear extensions at 7 Camborne Way, Romford RM3 8RA in accordance with the terms of the application, Ref P0565.16, dated 12 April 2016, and the plans and documents submitted with it, subject to the conditions at Schedule A.

Main Issues

2. The main issue is whether the proposed development would have an adverse impact on the living conditions of present and future occupants at No 5 Camborne Way and No 1 Melksham Close in terms of loss of light and overlooking.

Reasons

3. Camborne Way where the appeal site is located is a street of 2 storey terraced houses constructed in brick and tile. No 7 is an end of terrace property positioned on the corner of Melksham Close and Camborne Way and has been extended on the end gable at some point in the past. A small lean-to single storey extension extends across the rear of the original property to the common boundary with No 5. This lean-to would be demolished in the appeal proposal to make way for the new extensions.

4. The *National Planning Policy Framework* (the Framework) seeks a high standard of design in all development which is not limited simply to the appearance of the development. The Core Principles at paragraph 17 require development to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DC61 of the *Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document* (CS &DCP) in seeking to protect the residential amenity of occupants from unacceptable overshadowing, loss of light and loss of privacy is consistent with the Framework. Specifically in respect of extensions and alterations the Council has published a Supplementary Planning Document – *Havering Residential Extensions and Alterations* (SPD) to ensure such development is appropriate in the context of neighbouring properties amongst other things.

5. Although the proposed 2 storey extension would be located on the south side of No 5, I am satisfied that its impact on sunlight to the house and garden would be limited. This is because the two storey extension would only have a 3 metre depth and would be set back from the common boundary with No 5 by a similar amount. When the sun is in the south it is at its highest point and the set-back means there would be limited overshadowing of the garden other than for a short period of the day, particularly in the winter when the sun is lower in the sky. By the time the sun moves towards the southwest and west it is the existing houses themselves that would cause overshadowing rather than the extension. For this reason the main garden sitting-out area for No 5 is located at the back of the garden which is in the sun for longer and which is the furthest point from the proposed 2 storey extension.

6. With regard to the potential for overlooking there are already first floor windows in the rear elevation of No 7 that look eastwards towards No 1 Melksham Close and over the garden of No 5 Camborne Way. The extension would not involve any additional windows and a condition could be imposed removing permitted development rights to ensure no windows were inserted particularly in the north facing side of the extension. I acknowledge that the first floor rear window in the 2 storey extension would be slightly nearer to the windows of No 1 Melksham Close but the windows in the side gable appeared to be mainly windows to circulation areas and as such additional loss of privacy would not be significant.

7. The height, depth and stand off from the boundary of the 2 storey extension would therefore accord with the SPD guidance as No 7, being an end of terrace property, is semi-detached.

8. Although the single storey extension would extend along the neighbour's boundary to a depth of 3 metres the height of the flat roof extension would be substantially screened by the existing close boarded fence and shrub planting in the garden of No 5. It would be within the guide depth and height dimensions set out in the SPD and less than the 3metre height allowed for flat roof extensions. It would not therefore be overbearing on the garden or ground floor windows of No 5.

9. Extensions on terraced properties invariably have some impact on neighbouring properties but in this case I am satisfied that the impact on sunlight and privacy would not be unacceptable. Moreover the proposal leaves some private amenity space for the host property, sufficient for normal outside domestic activities and retains the off-street parking and garaging area for the property. As such the proposed extensions would not conflict with DCP policy DC61, the Framework or the guidance in the SPD.

Other Matters

10. Third parties have raised concerns about the impact of the extensions on the character and appearance of the area. Whilst I accept 2 storey rear extensions are not generally in evidence in the area, the design of the extension particularly viewed from Melksham Close would not be inappropriate in the street scene.

11. Comments have also been made that allowing the extensions would enable further intensification in use of the property. According to the council the property's lawful use is as a Small House in Multiple Occupation (HMO) in Use Class C4. At the time of my visit I saw no evidence on site to suggest that this was not the case.

12. Although concern has also been raised regarding traffic and parking pressure, the proposal would retain the off-street parking and the area is one where on street

parking is allowed and where access to public transport is reasonable. The Council as Highway Authority has not raised concerns and I am satisfied that the proposal would not impact on highway safety.

Conditions and Conclusions

13. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* (the Guidance) and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans is necessary as this provides certainty that the development would be carried out in the form proposed. A condition requiring matching materials to be used on the external surfaces of the building should also be imposed to protect the character and appearance of the dwelling and of the surroundings to the development. In order to protect the present and future occupants of the neighbouring property at No 5 from loss of privacy a condition removing permitted development rights in respect of inserting additional windows in the north facing side of the rear extensions is necessary. Finally as there is potential for the flat roof area to be used as a terrace at first floor, which would be detrimental to the privacy of the occupants at No 5, it is necessary to attach a condition restricting the use of the roof for this purpose.

14. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the rear extensions subject to the conditions in Schedule A.

P. D. Biggers

INSPECTOR

Schedule A – Conditions

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 5012/1; 5012/10A

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.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those expressly authorised by this permission) shall be constructed on the north facing elevation of the rear extension hereby permitted.

5) The roof area of the flat roof single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.