
Appeal Decision

Site visit made on 7 February 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/B5480/D/16/3162424
25 Forth Road, Upminster RM14 1PX

- 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 & Mrs H Panchal against the decision of the Council of the London Borough of Havering.
 - The application Ref P0522.16, dated 1 April 2016, was refused by notice dated 24 August 2016.
 - The development proposed is a two storey side extension and part single storey, part two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and part single storey, part two storey rear extension at 25 Forth Road, Upminster RM14 1PX in accordance with the terms of the application, Ref P0522.16, dated 1 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1420/02 Rev B.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted, including details of doors, windows and rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 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 shall be formed in the flank wall of the building hereby permitted.

Main Issue

2. The main issue in the appeal is the effect of the proposed extension on the living conditions of the adjacent occupants.

Reasons

3. The appeal property is a semi-detached house which in common with others in Forth Road has angled tile-hung roof features at first floor level. The proposed
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two storey side extension would include a similar feature. The first floor would be stepped back from the front elevation by 1m and set in by 320 mm from the side elevation. The roof would be hipped as an extension to the main roof.

4. The Council's reason for refusal concerns the proximity of the proposed side extension to the side kitchen window in the adjacent house. I saw on my visit that that house is at a higher level than the appeal dwelling. The Council says that this level difference is about 0.5m and I see no reason to disagree. The Council's Supplementary Planning Document¹ advises that side extensions should not break a 45 degree line taken from the sill of a primary original window serving a habitable room on the side wall of an adjoining house. The appellants' submitted drawing illustrates this requirement. The Council has produced no other evidence to show that sunlight or daylight to the neighbour's kitchen would be unacceptably affected. On the basis of the evidence before me I find that the proposal would not unacceptably restrict sunlight or daylight to the neighbour.
5. While I note the Council's concern about the proposed extension having an overbearing appearance from the neighbour's kitchen window, the first floor would be stepped back and faced with tiles. These design elements would give a recessive appearance to the upper part of the extension as would the hipped roof. Given that the appeal property is at a lower level than the neighbour's house I find that the proposal would not be unacceptably overbearing.
6. For these reasons the proposed extension would not adversely affect the living conditions of the adjacent occupants. The proposal would accord with policy DC61 of the Core Strategy and Development Control Policies² which requires that there is no unacceptable loss of sunlight/daylight to existing properties.
7. The neighbour expressed concern that the guttering would overhang his property but the boundary as shown on the plan tapers back from the front corner of the extension appearing to allow space for this to be accommodated within the site.

Conditions

8. I have imposed the conditions suggested by the Council and in doing so have had regard to the tests in paragraph 206 of the National Planning Policy Framework. Conditions requiring the development to be carried out in accordance with the approved plans and for external materials to be approved are necessary in order to provide certainty and to ensure the appearance of the development is acceptable. A condition restricting the insertion of windows in the side elevation of the extension is necessary to avoid overlooking of the adjacent property.

Conclusion

9. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

¹ London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document (2011) paragraph 6.8 and Figure 10

² London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008)