
Appeal Decision

Site visit made on 18 January 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/W5780/W/16/3157925

66 Freshwell Avenue, Chadwell Heath, Romford RM6 5DT

- 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 Simon Hearn against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1520/16, dated 29 March 2016, was refused by notice dated 17 June 2016.
 - The development proposed is the replacement of 2 single storey garages with a single structure to provide both dwellings with usable garage/storage and additional habitable space.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - The effect of the proposal on the living conditions of adjacent occupiers in respect of outlook.

Reasons

Character and appearance

3. The appeal property is a semi-detached two storey house with a detached garage. Freshwell Avenue is characterised by pairs of semi-detached houses separated by shared driveways, most of which have single storey detached garages to the rear. The gaps between the semi-detached pairs of houses contribute to the spacious, suburban character of the area.
 4. The proposed building would be located at the rear of the shared driveway with No 68, the non-attached property to the west. The existing garages are 1.9m in height to eaves level with a total height of 2.5m. The proposed replacement building would be 3.6m at eaves height, with a roof ridge height of 5.5m.
 5. Although it would be set well back from the road, behind the rear building line of the adjacent dwellings, the combined width and height of the building would compete for dominance with the host property and No 68, and would create a
-

terracing effect. This would harmfully undermine the regular pattern of development in the street.

6. The appellant contends that a building of up to 4m in height could be built as permitted development, but the GPDO¹ does not permit outbuildings of more than a single storey or those greater than 2.5m in height within 2 metres of the boundary of the curtilage of the dwellinghouse, as is the case with the appeal proposal. Moreover, whilst there are a number of properties with two storey side extensions and hip to gable roof extensions, they are extensions to the host property rather than separate buildings and thus I have afforded them little weight in reaching my decision.
7. There are several examples of garages with a shared pitched roof, such as Nos 54 and 55, but these are single storey and substantially lower in height than the appeal proposal, and together with the shared driveways form part of the character of the street. In contrast, the appeal proposal, by reason of its excessive height, bulk and mass, would be incongruous in the street scene.
8. It is also asserted that a difference in ground level of about 0.4m within the rear garden compared with that of the host property and road would reduce the height of the proposed building to 5.1m. However, even taking this into account, it would still have an unacceptable impact on the character and appearance of the area for the reasons set out above.
9. I therefore conclude that the proposal would harm the character and appearance of the area, contrary to Policy BD1 of the Borough Wide Primary Policies DPD (2008). This requires development to be compatible with and contribute to the distinctive character and amenity of the area in which it is located, and to be of a building style, massing and design appropriate to the locality.

Living conditions

10. The building would straddle the common boundary between Nos 66 and 68, and the western elevation of the building would abut the rear garden of No 68. It would have an eaves height of 3.6m, and would be about 10m long. Taken together with the overall height of the building of over 5m, it would appear visually oppressive and dominating within the rear garden environment. This effect would be exacerbated by the expanse of largely unrelieved brick wall. Whilst the appellant has pointed out that the proposal is supported by the current occupant of No 68, it is not a joint application, and in any case, the development would have a harmful impact on all future occupiers.
11. I conclude that the proposal would harm the living conditions of adjacent occupiers, by reason of outlook. As such it would be contrary to Policy SP3 of the Core Strategy Development Plan Document (2008), insofar as it requires development proposals to respect the amenity of adjoining properties.

Other Matters

12. The appellant has concerns with the way in which the Council dealt with the planning application, but this is not a planning matter and would need to be pursued with the relevant parties outside of the appeal process.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 – Schedule 3, Part 1 Class E

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR