
Appeal Decision

Site visit made on 28 February 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 6 March 2017

Appeal Ref: APP/B5480/D/17/3166788

16 Ashleigh Gardens, Upminster, Essex

- 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 and Mrs Masters against the decision of the Council of the London Borough of Havering.
 - The application Ref P1267.16, dated 14 July 2016, was refused by notice dated 3 November 2016.
 - The development proposed is "Front dormers – roof extension and dormers to rear – internal alterations – new garage roof".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Mrs Emma Masters is named as the appellant on the appeal form. However, a signed letter dated 26 January 2017 confirms that the appeal has been made by the original applicants, Mr and Mrs Masters.

Main issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal property, located within a wider residential area, is a semi-detached bungalow with a hipped roof. Its scale and appearance broadly reflects the scale and appearance of the adjoining bungalow, 14 Ashleigh Gardens, and that of other bungalows along the street. The hipped roof form of dwellings along Ashleigh Gardens is a characteristic and repeated feature within the streetscape. Whilst some two storey dwellings exist at the northern and southern end of the street, the appeal property is set within the context of other bungalows. The scale, appearance and hipped roof form of the appeal property therefore strongly and positively contributes to the character and appearance of the streetscene and area.
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5. The proposal seeks to alter the hipped roof to a gable, to incorporate two front dormers, to extend the rear roof and to construct two rear dormers with Juliette balconies over an existing single storey rear extension. A pitched roof would be added to an existing garage which currently comprises a flat roof.
6. The alteration of the hipped roof to a gable and the addition of two front dormers would considerably increase the bulk and massing of the appeal property when viewed from along Ashleigh Gardens. This would unbalance the broadly symmetrical relationship the appeal property has with No 14 and would appear substantially at odds with the scale and appearance of other bungalows along Ashleigh Gardens. Moreover, it would fail to reflect the characteristic roof form of dwellings in the locality in general.
7. The rear roof extension, which would occupy the full width of the roof slope, and the two rear dormers, which would be excessively large in size, height and width, would add considerable bulk and massing to the rear of the appeal property and would not appear sufficiently subordinate to its overall form. These elements would therefore be an overly dominant addition to the appeal property which would be clearly apparent in views from the rear gardens of neighbouring dwellings.
8. Thus, I conclude that the proposal overall would be an incongruous form of development that would appear wholly out of keeping with the prevailing pattern of development in the area. Thus, it would result in significant harm to the character and appearance of the streetscene and area.
9. I acknowledge the argument of the appellants that the proposal has been reduced in scale from that of a previous proposal¹. However, this has little bearing on my consideration of the appeal given that I have made my assessment on the basis of the submitted plans.
10. The appellants suggest a condition could be imposed to amend the submitted drawings to show a hipped roof to overcome the Council's concerns. However, any amendments in this regard would likely affect other elements of the proposal, both externally and internally. Consequently, such a condition would likely result in a considerably different scheme and therefore any proposed alterations in this regard should be addressed through a new planning application. Moreover, the concerns of the Council and my own concerns do not relate solely to the hip to gable roof extension.
11. The appellants make reference to permitted development rights in respect of the proposed rear dormers. However, the issue of whether or not planning permission is required for part of a wider proposal is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.
12. Reference is also made to a number of examples of properties with front dormers in the Borough. However, none of these are located along Ashleigh Gardens and therefore do not share the same context. Moreover, there is no substantive evidence that where such features might exist, they benefit from planning permission. As such, I afford limited weight to this matter. In addition, each case should be considered on its own merits.

¹ Planning application Ref P0132.16

13. The proposal would therefore be contrary to Policy DC61- Urban Design, of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (DPD). This policy requires, amongst other things, development to maintain, enhance or improve the character and appearance of the local area, to respond to distinctive local building forms and patterns of development and to respect the scale of the surrounding physical context. This policy is consistent with the broad aims and objectives of the National Planning Policy Framework (the Framework) which requires planning to take account of the different roles and character of different areas.
14. The proposal would also be contrary to the guidance of the London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document 2011 which advises that development should respect the character and appearance of the original house and area.

Living conditions

15. The rear gardens of the bungalows adjacent to the appeal property, Nos 14 and 18, are not subject to any particular overlooking. This is due to the single storey nature of their neighbouring dwellings, including that of the appeal property, and the considerable separation distance between these gardens and any dwellings to the rear, along Argyle Gardens. This affords a good level of privacy for the occupiers of these bungalows in respect of their rear gardens.
16. The proposed rear dormers would be set back by only a modest amount from the rear elevation of the existing single storey rear extension and would incorporate large openings, which, according to the submitted drawings, appear to be doors. These doors could be opened wide on the basis that they would open onto a Juliette balcony. Whilst I accept that some mutual overlooking is to be expected in urban areas, this would increase the level of overlooking into the rear gardens of Nos 14 and 18 to a substantial degree. This would be particularly apparent in respect of the rear garden of No 14, given the limited setback of the southernmost dormer from the shared boundary of this property and its close proximity to their rear patio area.
17. Turning to matters of outlook, the proposed changes to the rear elevation and roofscape of the appeal property would clearly be visible from the gardens of Nos 14 and 18. As set out above, these changes would have a harmful effect on the character and appearance of the area. Nevertheless, the proposed rear dormers would not extend beyond the existing single storey rear extension of the appeal property or the existing single storey rear extensions at Nos 14 and 18. They would not be visible from any of the rear windows of Nos 14 or 18 and would not obstruct views down the gardens of these properties. Moreover, they would not obstruct any views across the rear garden of the appeal property. I therefore do not consider that the proposal would result in any significant enclosure to the properties of Nos 14 and 18 and as such, would not appear overbearing for the occupiers of these properties. Consequently, there would be no material harm to their outlook.
18. Whilst I have not found harm to living conditions in respect of outlook, I consider that the proposal would result in a harmful loss of privacy for the occupiers of Nos 14 and 18. This would considerably reduce their enjoyment of their rear gardens.

19. The proposal would therefore be contrary to Policy DC61, of the DPD, which requires, amongst other things, development to not result in unacceptable overlooking or loss of privacy. This policy is consistent with the broad aims and objectives of the Framework which require planning to secure a good standard of amenity for all existing occupiers of land and buildings.

Other matters

20. I acknowledge that the proposal would provide additional living space and a good living environment for the appellants and their family. However, the harm I have identified above in respect of the character and appearance of the area and neighbour privacy would clearly outweigh this personal benefit.
21. Whilst the appellants have raised some concerns over the Council's procedures in dealing with their planning application, this is not a matter for my consideration in an appeal under section 78 of the Town and Country Planning Act 1990.

Conclusion

22. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR