

Appeal Decision

Site visit made on 6 March 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/B5480/D/16/3165751

9 Victor Gardens, Hornchurch, Essex, RM12 4JB.

- 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 Miss V Lock against the decision of the Council of the London Borough of Havering.
 - The application Ref: P1597.16, dated 26 September 2016, was refused by notice dated 22 November 2016.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the living conditions of occupiers of No 11 Victor Gardens, by virtue of the potential for intrusive, overbearing effects.

Reasons

3. The Council are concerned that the width of the proposed extension would be comparable to that of the host property and for this reason it would not appear subservient thereto. However, that is not a concern I share as the extension would be set well back from the front elevation of the property and its ridge line would be lower than that of the main house roof. The property is orientated at an angle to the street and to that extent the extension would be more visible than might otherwise be the case. Nonetheless, it would be seen against the wider flank wall of the host dwelling and given its limited depth it would appear very much as a subordinate and unremarkable addition thereto.
 4. The proposal would reduce the sense of openness between the appeal property and No 11. However, this sense of space derives from the somewhat unusual relationship of the two properties orientated at an angle to each other and is not a characteristic of the locality, with other properties in the main being positioned considerably closer together. As such, it is not a feature which I consider it is essential to retain. In any event, the proposal would retain sufficient open space towards the frontage of the property to the extent it would
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not look cramped and there would be space for pedestrian access to its rear. It would thus comply with the guidance at paragraph 6.4 of the *Residential Extensions and Alterations* Supplementary Planning Document (2011) (SPD).

5. I thus conclude on the first main issue that the proposal would harmonise with the host dwelling and wider setting in which it sits and accordingly, I find no conflict with the relevant part of Policy DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document (2008) and the guidance in the SPD, which seek to ensure that development maintains or enhances the character and appearance of the local area.
6. In relation to the second main issue, the proposed extension would stand close to the side boundary with No 11 Victor Gardens. The side of this property contains two large windows facing the application site (about 2 metres from the common boundary). Although the extension would be single storey, the fact that it would extend so close to the aforementioned windows, particularly the higher of the two which outlooks across the top of the existing fence, would result in an oppressive overbearing relationship thereto. The boundary fence and shrubbery along the side boundary currently create a sense of enclosure to these windows, but the extension would be appreciably higher.
7. I take the appellant's point that there were no objections to the proposal at application stage from the occupants of that property, but they nonetheless made it clear at the appeal stage that they were opposed to the scheme. Either way, I have come to my own view on the planning merits. I also accept that subject to the use of obscure glazing in the side facing window, the proposal would not give rise to any overlooking of No 11, but that would not overcome my concerns above.
8. On the second main issue, I thus conclude that the proposal would be unacceptably harmful to the amenities of occupiers of No 11 Victor Gardens by way of oppressive, overbearing effects. The proposal would not conflict with the letter of Policy DC61 which specifically cites concerns with unacceptable overshadowing, loss of sunlight/daylight or privacy. Nonetheless, it would conflict with its underlying objective to protect residential amenity. The Council have also cited conflict with the SPD in relation to the impact on No 11, but my attention has not been drawn to any specific part of that document. Either way, I note that paragraph 4.13 states that even if the proposal satisfies the design advice therein, it may still have an unacceptable adverse impact on the amenity of neighbours and I have identified clear harm in this particular case.
9. Although I have found in favour of the appeal in relation to the first main issue, this is nonetheless outweighed by the harm identified in relation to the second main issue.

ALISON ROLAND

INSPECTOR