

Appeal Decision

Site visit made on 12 April 2017

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/B5480/D/17/3169787

41 Parkland Avenue, Upminster, RM14 2EX

- 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 Mrs Angela Dynan against the decision of the Council of the London Borough of Havering.
 - The application Ref P1706.16 was refused by notice dated 16 January 2017.
 - The development proposed is the erection of a rear ground floor extension, and to rebuild the ground floor side garage and convert it to habitable space with a first floor extension over, and a new porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed side extension on the character and appearance of the pair of dwellings and the street scene, and of the proposed side and rear extensions on the living conditions of the residents of nos. 39 and 43 Parkland Avenue in respect of outlook, daylight and sunlight.

Reasons

Character and appearance

3. This part of the street is characterised by pairs of semi-detached houses and detached dwellings set back from the street in a spacious suburban setting. On this side of the street in the vicinity of no. 41 there are views between dwellings of open land and vegetation beyond, which contribute to the spacious and verdant quality of the area.
 4. No. 41 has a garage / utility room at the side boundary with no. 43 with ground floor accommodation set back at the rear of the garage. The 2-storey flank wall of no. 43 has a gap of less than 1m to the common side boundary. The proposed 2-storey development adjacent to the side boundary would lead to a cramped appearance with a narrow tunnel effect between two 2-storey walls.
 5. The 1m setback at the front and reduced roof mass at the side are insufficient to mitigate a significant loss of spaciousness between dwellings or the appearance from the street of a terraced effect. Furthermore, there would be a loss of symmetry of the pair of dwellings at nos. 39 and 41 in the street scene
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on account of the proposed first floor extension. The proposal would not be a high quality of design in this respect and there would be loss of local distinctive character. I find material harm to the character and appearance of the pair of dwellings and the street scene.

6. The proposed 2-storey development conflicts with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (DPD), which indicates that planning permission should only be granted for development which maintains, enhances or improves the character and appearance of the local area.
7. The development plan policy is consistent with the objectives set out in the National Planning Policy Framework. Paragraphs 17 and 60 seek to secure a high quality of design, and to reinforce local distinctiveness. The proposed 2-storey development does not meet the objectives of the Framework in this respect. There would also be conflict with the objectives of the Residential Extensions and Alterations Supplementary Planning Document (SPD) that seek to maintain the characteristic gap between neighbouring pairs of semi-detached houses.
8. My attention has been drawn to other side extensions in the street and the wider area. However, I have judged this proposal on its own individual merits and other extensions do not justify an unacceptable extension at the appeal dwelling.

Living conditions

9. The attached house at no. 39 has patio door living room windows close to the common side boundary where the proposed flat-roofed rear extension would be built. Due to its position, height, and rear projection of about 4m, the proposed extension would appear unduly overbearing with a sense of enclosure from rear windows and the rear patio of no. 39. It would also significantly reduce the amount of daylight received into rear windows. In these respects there would be harm to the living conditions of the residents of no. 39.
 10. Whilst the SPD indicates that a 4m rear projection can be acceptable as a general rule, it is dependent on a number of site specific considerations including proximity to neighbouring dwellings. In this case, the proximity to no. 39 is the overriding factor.
 11. There would be a greater degree of separation between the proposed rear extension and ground floor habitable room windows at no. 43, and no. 43 is positioned a little more towards the rear. Given the position of no. 43's rear wall, and the amount of separation, there would be no significant harm to the living conditions of the residents of no. 43 in respect of outlook or daylight from the proposed 4m rear projection.
 12. In respect of any effect on sunlight, the rear gardens of dwellings on this side of the street face a southerly direction so that any additional effect from the proposed extensions would be limited with no significant impact on adjoining residents' living conditions.
 13. Although there would be reduced space at first floor level at the side with no. 43, there are no habitable room windows on no. 43's flank wall. There are windows but these have obscured glass. There would therefore be no material
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harm to residents' outlook from windows or significant loss of daylight or sunlight from the proposed 2-storey side development.

- 14.I conclude on this issue that there would be material harm to the living conditions of the residents of no. 39 Parkland Avenue in respect of outlook and daylight. There is conflict in this respect with DPD DC61, which indicates that permission will not be granted where the proposal results in unacceptable overshadowing, and loss of sunlight and daylight.
- 15.The development plan policy is broadly consistent in this respect with paragraph 17 of the Framework, which indicates that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. There is conflict with the Framework in this respect.

Other matters and conclusions

- 16.I am mindful that the appellant wishes to provide an annexe for her father who requires some care. Whilst I am sympathetic to the appellant's desires, personal circumstances seldom outweigh more general planning considerations. I am therefore able to attach only limited weight to these grounds of appeal.
- 17.The loss of a distant view from a nearby dwelling is not material to the decision. A roof terrace proposal has been omitted and replaced by first floor windows with metal guarding so that there would be no material harm to the privacy of nearby residents.
- 18.I have taken into account all other matters including all the policies in the Framework, and other national planning policy and guidance. Notwithstanding my findings in respect of the other matters, the harm that I have identified to character and appearance and to residents' living conditions at no. 39 is significant and overriding. The appeal therefore does not succeed.

Sue Glover

INSPECTOR
