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## Appeal Decision

Site visit made on 9 May, 2017

**by G. Rollings, BA(Hons) MA(UD) MRTPI**

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

**Decision date: 5<sup>th</sup> June, 2017**

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**Appeal Ref: APP/B5480/W/16/3165725**

**24a Link Way, Hornchurch, Essex, RM11 3RW**

- 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 V Blagova against the decision of the Council of the London Borough of Havering.
  - The application Ref: P1230.16 dated 20 August, 2016, was refused by notice dated 26 October, 2016.
  - The development proposed is described as: Change hip to gable to first floor self-contained flat and first floor roof accommodation.
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### Decision

1. The appeal is allowed and planning permission is granted for a hip-to-gable roof extension and rear dormer roof extension for the first floor flat, at 24a Link Way, Hornchurch, Essex, RM11 3RW in accordance with the terms of the application Ref: P1230.16 dated 20 August, 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 plans: SP16LWSP1; LAH-01; LAH-02.
  - 3) Demolition or construction works, including works involving the use of plant or machinery, the erection of scaffolding, the delivery of materials, the removal of materials and spoil from the site, and the playing of amplified music shall take place only between 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site contains a semi-detached, two-storey building accommodating two flatted dwellings. This appeal concerns the upper flat, which currently occupies the first floor. The proposal incorporates the expansion of the flat into an additional floor, accommodated within the roof space, which would be
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enlarged with the addition of a hip-to-gable extension, and a rear dormer projecting from the enlarged roof.

4. The predominant form of development within the surrounding area is semi-detached dwellings that retain their hip-end rooflines. Although there are other examples of gable-end conversions within the street, this form of development is not representative of the prevailing character. Nonetheless, a notable deviation is the hip-to-gable roof extension which has occurred at the property adjacent to the appeal site. Although this property, at 26 Link Way, is part of a semi-detached pair, prior to its roof alterations it would have appeared similar to the appeal property. The two properties are separated by only a narrow gap.
5. The proposed works would cause the appeal building to appear similar to the dwelling at No. 26. It would regain its symmetry with the form and silhouette of No. 26, at the cost of losing its symmetry with the other half of its semi-detached pair, at 22 Link Way. The house at No. 22 has retained its hipped roof. However, owing to the close proximity of No. 26 to the appeal property, the proposed works would not appear discordant in the run of two semi-detached pairs from No. 22 through to 28 Link Way. Rather, the two central dwellings, being the appeal building and No. 26, would comprise a matching, symmetrical pair of buildings. In this manner, the proposed works would be not appear obtrusive, and would rectify the current discordant gable roof form of No. 26.
6. The Council has not objected to the proposed rear dormer or its window, and having considered the plans, I do not consider that it would be out of character with surrounding development, given the existing example at No. 26. I therefore conclude that the proposed development would not harm the character and appearance of the area. Moreover, it would not conflict with the Council's adopted *Core Strategy and Development Control Policies Development Plan Document* (2008), particularly Policy DC61, which requires development to respond to distinctive local patterns of development, amongst other factors. I have also had regard to the Council's adopted *Residential Extensions and Alterations Supplementary Planning Document* (2011) in my decision.

## Conditions

7. The appellant and Council have recommended conditions which are considered in light of the tests set out in the *Planning Practice Guidance*. Three of the Council's five suggested conditions are necessary, reasonable and enforceable in the interests of securing an acceptable development. In particular, Condition 2 is necessary in the interests of proper planning and to ensure that the development is carried out as approved, and Condition 3 is required to preserve the living conditions of occupiers of surrounding properties, particularly with regard to noise and disturbance.
8. The Council requested the inclusion of a condition to restrict future permitted development works. The PPG states that conditions restricting the future use of such development rights will rarely pass the test of necessity and should only be used in exceptional circumstances<sup>1</sup>. The types of permitted development referred to by the Council apply to dwelling/houses, which under

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<sup>1</sup> PPG Reference ID: 21a-017-20140306.

the interpretation of *The Town and Country Planning (General Permitted Development) (England) Order 2015* does not include a building containing one of more flats, or a flat contained within such a building<sup>2</sup>. As the appeal property is a flat, and as the development does not include a dwelling/house, the condition is unnecessary, and I have declined to include it.

9. The Council also requested a condition requiring the submission of samples of the external cladding materials to be used in the proposed development. The appeal plans indicate that the proposed extension materials would match the existing, and given that condition 2 requires compliance with the plans, I have declined to include the suggested condition for reasons of necessity.

### **Conclusion**

10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*G Rollings*

INSPECTOR

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<sup>2</sup> Part 2 of the Order: "Interpretations".