
Appeal Decision

Site visit made on 23 October 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/B5480/D/17/3181750

125 Lambs Lane South, Rainham RM13 9XJ

- 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 Syed M Rizwan against the decision of the Council of the London Borough of Havering.
 - The application Ref P0869.17 was refused by notice dated 14 July 2017.
 - The development proposed is the addition of a pitch roof on existing flat roofed side extension.
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Decision

1. The appeal is allowed and planning permission granted for the addition of a pitch roof on existing flat roofed side extension at 125 Lambs Lane South, Rainham RM13 9XJ in accordance with the terms of the application Ref P0869.17 dated 12 May 2017 and the plans submitted with it.

Main Issue

2. I consider the main issue to be the effect of the development on the living conditions of occupiers of 123 Lambs Lane South, with particular reference to visual impact, daylight and sunlight.

Reasons

3. The development has been completed. It provides a store room at second floor level and the extension is situated on the side boundary to the appeal property. A kitchen window in the bungalow at 123 Lambs Lane South faces the side boundary and is set back from the pitch roof the subject of this appeal.
 4. Although I was not able to view from the kitchen window at 123 Lambs Lane South, it is apparent that outlook was restricted by the existing side fence and the side wall of the appeal property, prior to the addition of the pitch roof. In addition, it is apparent that daylight and sunlight received through this window was similarly restricted. The close proximity of the appeal property and side fence has created a tunnelling effect and a sense of enclosure for occupiers of 123 Lambs Lane South prior to the construction of the pitch roof.
 5. The Council has undertaken BRE standard vertical sky component calculations and has concluded that the pitch roof has resulted in the vertical sky component being below the BRE guidance standard for the amount of daylight
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received through the kitchen window, although the Council acknowledges that the percentage change is minor. The appellant has stated that the pitch roof does not breach the 45 degree line, when drawn from the kitchen window. In my opinion, the previous situation is a material matter to be considered alongside these observations.

6. The pitch roof is approximately east/south/east of the side kitchen window at 123 Lambs Lane South. Whilst in this location it may restrict some sunlight being received through that window, the previous two-storey flank elevation already restricted the amount of sunlight received through the kitchen window.
7. Even though the pitch roof has increased the height of the property on the side boundary, taking into consideration the previous situation, together with the scale and position of the pitch roof, I do not consider that the development has materially exacerbated the existing situation with regard to the amount of sunlight or daylight received through the kitchen window. Thus, I do not consider that the previous sense of enclosure has been significantly materially exacerbated as a result of the development.
8. In reaching my conclusion, I have had regard to all matters raised. I conclude that the development does not have a significantly material adverse impact on the living conditions of occupiers of 123 Lambs Lane South. Thus, the development is in accordance with guidance in the Council's Residential Extensions and Alterations Supplementary Planning Document (2011) and Policy DC61 in the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008), where they seek to protect the amenities of neighbours. I consider this policy is broadly in accordance with the National Planning Policy Framework in as far as it meets the Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing occupants of land and buildings.
9. The Council has suggested the imposition of conditions. As the development is already completed, such conditions are not reasonable or necessary.

J L Cheesley

INSPECTOR