
Appeal Decision

Site visit made on 9 November 2017

by B Bowker Mplan MRTPI

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

Decision date: 27th November 2017

Appeal Ref: APP/B5480/D/17/3181107
57 Osbourne Road, Hornchurch RM11 1EX

- 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 A Kandola against the decision of the Council of the London Borough of Havering.
 - The application Ref P0505.17, dated 27 March 2017, was refused by notice dated 11 May 2017.
 - The development proposed is a single storey rear, double storey side extension and new roof with accommodation inside.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The living conditions of neighbours residing at 53 Osbourne Road, with particular reference to outlook, privacy and sunlight.
 - The character and appearance of the surrounding area.

Reasons

Neighbours

3. During my site visit I saw that the rear elevation of No 53 contains a number of habitable room windows at ground and first floor, two of which are in close proximity to the site boundary with the appeal site. I also observed that the garden at No 53 contains a patio with seating area and a lawn. I saw that the appeal property already extends past the rear of No 53. However, as the side elevation and rear element of No 57 is set away from the shared boundary and steps down in height, neighbours at No 53 would retain a relatively open outlook from the adjoining rear habitable room windows and from the adjoining section of garden area.
4. Based on the Council's measurements (uncontested), the proposed single and two storey extensions would be within 1–1.5 metres of the shared boundary with No 53. As such, the combined scale and mass of the proposal would be in close proximity to the noted habitable room windows and adjoining garden area at No 53. Consequently, the relatively open outlook from the adjoining rear habitable room windows and garden area would be significantly and harmfully reduced by the proposal. Whilst the outlook of neighbours at No 53

already encompasses a wall, the proposal would result in an increased scale of built form being closer to No 53. In this respect I share the Council's concern that the proposal would result in an unacceptable overbearing and enclosed outlook for neighbours at No 53, when viewed from rear habitable room windows and the adjoining garden area.

5. The appellant states that there are many examples of houses in the area that have been built up to 1 metre away from the boundary, which includes large detached dwellings at 15 and 15a Osbourne Road. However, based on the limited information provided, I am unable to make any meaningful comparisons with the proposal before me. Moreover, I must determine the appeal based on its own individual merits. Thus, taking the above into account, the proposal would have a harmful effect on the outlook of neighbours residing at No 53.
6. During my site visit I observed the difference in scale between Nos 57 and 53. I also note that a habitable room window is proposed at first floor height in the side elevation facing towards No 53. However, based on my site visit observations and the submitted drawings, the habitable room windows at this elevation would be smaller in size and in a similar location to the existing habitable room windows. In this respect, the appellant states that the window area along the facing side elevation would be reduced in size and that all facing windows would be obscured and non-opening up to 1.5m. Taking into account these factors and the existing level of overlooking from No 57, I conclude that the proposal would not result in a materially harmful effect on the privacy of neighbours at No 53.
7. The rear elevation and garden of No 53 is north facing with the existing combined height, depth and mass of both Nos 53 and 57 to its south. In this context, and with no substantive evidence to the contrary, I am satisfied that the proposal would not lead to an unacceptable material loss of sunlight for neighbours at No 53.
8. In summary, I have not identified any material harm to neighbours residing at No 53 with reference to privacy and sunlight. However, an absence of harm in these respects would not outweigh the harm to the living conditions of neighbours residing at No 53 with reference to outlook.
9. Therefore the proposal would have a harmful effect on the living conditions of neighbours residing at 53 Osbourne Road, with particular reference to outlook. Consequently the proposal would be contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (DPD) and paragraph 17 bullet point 4 of the National Planning Policy Framework. Combined these policies seek to ensure that development does not result in unacceptable effects for existing and new properties and ensures a good standard of amenity for existing occupants of buildings.

Character and Appearance

10. The appeal site is a two storey detached property located in an area with a residential character. Surrounding properties are mainly sizeable detached and semi-detached two storey dwellings of varied roof design. Taking into account the location of the appeal site and the similarities it has with its surroundings, I cannot agree with the Council that surrounding properties set a poor design precedent for the proposal.

11. The proposal would reach up to and extend the depth and width of the existing ridgeline. Consequently the width and scale of the property would be larger when viewed from Osbourne Road. However the proposal would be similar in height, mass and scale with surrounding properties. Thus I cannot agree with the Council that the proposal would appear unacceptably dominant or visually obtrusive when viewed from Osbourne Road or from the rear of the property.
12. To ensure extensions are subordinate to the original dwelling, the Council state that any extension greater than 3 or 4 metres in depth should be within the parameters identified by its Residential Extensions and Alterations Supplementary Planning Document (SPD). The SPD¹ states that any single storey rear extension with a greater depth is required to be within an angle of 45 degrees, taken from the 3 or 4 metre dimension on the property boundary.
13. Paragraph 5.13 of the SPD states that in exceptional local circumstances, rear extensions with a depth greater than 4 metres may be acceptable when it would be sympathetic to the character of the local area and/or rear extensions of a similar depth already exist at neighbouring properties. I also note that SPD Paragraph 4.4 states that extensions should be subordinate to the existing house and that an extension out of scale with the original house will appear obtrusive. However, based on my reasoning above, the proposal would be sympathetic to the character of the local area and would not appear obtrusive. In this respect the proposal would accord with the general objectives of the SPD.
14. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would meet the requirements of DPD Policy DC61, which of relevance to this matter requires development to maintain, enhance or improve the character and appearance of the local area.

Other Matters

15. I have found no harm regarding the effect of the proposal on the privacy and sunlight of neighbours at No 53, and in relation to the second main issue. However, as an absence of harm can only be considered as a neutral factor, such circumstances would not outweigh or prevent the harm identified to the outlook of neighbours residing at No 53.

Conclusion

16. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR

¹ Paragraph 5.3 of the SPD