



Appeal Decision

Site visit made on 10 September 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/B5480/W/19/3226546
103 Suttons Lane, Hornchurch RM12 6RR

- 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 Salma Khodabaksh against the decision of the Council of the London Borough of Havering.
 - The application Ref P1781.18, dated 23 November 2018, was refused by notice dated 23 January 2019.
 - The development proposed is described as enclosing the south eastern porch for safety reasons.
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Decision

1. The appeal is allowed and planning permission is granted for enclosing the south eastern porch for safety reasons at 103 Suttons Lane, Hornchurch RM12 6RR in accordance with the terms of the application, Ref P1781.18, dated 23 November 2018, and the plans numbered FNH2 BP, FNH2 OS, FNH2 and FNH2A subject to the following condition:

- 1) The porch enclosure hereby permitted shall be removed within 1 month of failure to meet the requirement set out in a) below:
 - a) Within 3 months from the date of this decision, the windows in the southern flank of the addition hereby permitted shall have been permanently glazed with obscured glass not less than level 4 on the standard scale of obscurity and fixed shut.

Following installation as set out in a) the obscured glass windows shall be maintained thereafter.

Procedural Matters

2. From the site visit it is clear that the development applied for has been fully carried out. This appears to be in accordance with the plans submitted and it is on that basis that I have determined this appeal.

Main Issue

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

Reasons

4. The appeal site is a detached two storey building that is currently in use as a children's day nursery. The building has a hipped roof with cream painted

render external walls, with white windows and soffits. The building has been significantly extended over time with a large wrap around side and rear extension with painted render external walls and there are further lean-to structures to the side and rear. The property is bounded to the sides by an approximately 1.8 metres high close board fence and to the rear by a further single storey flat roofed outbuilding. The building has evolved significantly as a result of its current use and the aforementioned series of extensions. There is also signage and dedicated parking spaces that indicate the property is no longer predominantly residential in nature but has a more distinctly commercial character.

5. The structure the subject of this appeal is a further lean-to infill extension in the south eastern corner of the building. This part of the site had previously been occupied by a covered porch structure with a sloping roof. The extension has been finished with a white weatherboard effect type material with white windows and French doors. The structure appears as a further incremental expansion of the main building, and whilst the extension has not been constructed with materials that are a direct match to the existing render of the building, the white finish does not clash with the existing light coloured painted render. The use of matching white windows is acceptable in the context of the existing building, and the extension materials match another existing lean-to that can be seen to the side of the building adjoining Hacton Drive. I consider the application of the principles of the Council's Residential Extensions and Alterations Supplementary Planning Documents (SPD) in relation to the use of materials to be more limited in the context of a building which now has a reduced residential character. As such, whilst the extension would not fulfil all of the expectations of the SPD, I consider the extension is not obtrusive when viewed in the context of the overall character of the building as it stands.
6. As a result of the changes in levels and the way the extension has been constructed over an existing raised patio, some partial views of the extension would be possible from the adjoining property. However, the presence of the side boundary fence limits these views so that only a small portion of the extension is visible. Due to the previous significant extension to the building, even if the additional extension the subject of this appeal was absent, views of a similar amount of the wrap around extension would be visible from adjoining neighbours and from Hacton Drive albeit at a slight setback. As such, I consider that the impact of the extension in this regard to be minimal.
7. The extension itself is modest in size and whilst it projects slightly beyond the rear of the main wrap around extension to the building, it does not project further than the existing rear patio. Furthermore, the extension also does not project beyond the other lean-to structure to the rear of the building. As a result, the extension does not appear as a significant or incongruous addition to the building. The close board fencing along the side boundaries limits views of the extension from Hacton Drive. As such, due to these limited views I do not consider that the development adversely affects the character and appearance of the area.
8. In light of the above, I conclude that the development does not harm the character and appearance of the area. As such, it accords with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) which seeks to maintain, enhance or improve the

character and appearance of the area, in keeping with the aims of the National Planning Policy Framework.

Other Matters

9. Concerns have been raised by occupiers of neighbouring properties in respect of harm to their living conditions due to increases in noise and overlooking, inappropriate parking by parents using the nursery and the potential effects of future increases in the number of children accommodated. This appeal is concerned with the extension only, and as such, noise from the existing use of the building is not a matter for my consideration as part of this appeal. Any residual effect on the living conditions of adjoining occupiers through overlooking can be addressed through the use of suitable obscured glazing of the extension side windows which can be secured by planning condition. Matters relating to inappropriate parking is a matter for the relevant local authorities to address. As such, these matters have not altered my conclusions.

Conditions

10. The Council has identified conditions which the appellant has had the opportunity to comment on. I have considered these against the advice in the Framework and the Planning Practice Guidance and have only imposed them where I consider them to meet the tests, amending them where necessary for the sake of clarity, precision and enforceability.
11. As the development has been carried out, no standard time limit has been imposed.
12. In the interests of avoiding harm to the living conditions of the occupiers of adjoining properties, a condition has been suggested by the Council requiring the use and retention of obscured glazing of the flank windows. I consider a condition would remove any remaining potential for overlooking.
13. The purpose of condition 1 is to require the appellant to comply with a strict timetable for dealing with the installation of obscured glazing which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The condition therefore provides for the loss of the effective benefit of the grant of planning permission where the required works are not implemented in accordance with the approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted, subject to the condition referred to above.

P Mileham

INSPECTOR