

Appeal Decision

Site visit made on 17 September 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/B5480/D/3232744

172 Upminster Road South, Rainham RM13 9BB

- 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 Gary Pulham against the decision of the Council of the London Borough of Havering.
 - The application Ref P1787.18, dated 28 November 2018, was refused by notice dated 18 April 2019.
 - The development proposed is conversion of existing bungalow to house, new external finishes and replacement double garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a statement which they submitted to the Council requesting that the Council's description of development be changed to remove the reference to a single storey rear extension. The proposal to the rear of the property maintains the original footprint of the existing bungalow, but adds an additional storey. Therefore, I consider the description of development provided on the application form to be a more accurate description of the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of No. 174 Upminster Road South with particular reference to enclosure, outlook and light.

Reasons

4. The property is located on Upminster Road South and is a single storey detached bungalow in brick and white render. There is hardstanding to the front of the property and a shared access road to the side, where the existing garage is located. The surrounding area is characterised by a mix of housing types and designs, although these are predominately two storeys. Adjacent to the property there is a row of terraces with bay windows and are set further forward than the host property. To the other side of the host property is a

- detached property built in a similar style, but with dormer windows to the first floor. Opposite the site there is a parade of shops with residential above.
5. The proposal seeks to convert the existing bungalow into a 2-storey house and erect a double garage in the rear garden. The rear of the existing property protrudes beyond the rear elevation of the neighbouring property at No. 174. There is disagreement between the parties over the amount that it protrudes, with the Council suggesting approximately 4.3 metres and the appellant stating approximately 1.4 metres. The discrepancies may be due to the starting point of the measurements. Nevertheless, I have considered the effect of the proposed development based on the plans submitted with the planning application and what I saw on site. The difference at the ground floor rear is relatively small due to the ground floor extension which is present on No. 174. However, at the first-floor level the difference is more pronounced as the extension to the host property would be further set back.
 6. The nearest first-floor window to the proposed development is a bedroom, with the other windows appearing to be bathrooms with obscured glazing. Due to the close proximity of the host property to No.174, the proposed first storey would result in a loss of outlook and give a sense of enclosure to the bedroom window of No.174. This is due to the proposal raising the roof height of the existing bungalow and filling the view and openness that currently exists from the window.
 7. As the rear of the properties are both south facing, the additional storey to the bungalow is likely to reduce the amount of light and sunlight that No 174 property currently receives. The issue of loss of light for the first-floor window of No. 174 was only raised by the Council in its conclusion of its report. The appellant has provided a diagram in order to demonstrate the proposals compliance with the 45-degree line, as suggested by The Building Research Establishment's report, Site Layout Planning for Daylight and Sunlight (1991). However, I do not consider the evidence provided is substantive enough to demonstrate that there is no harm in this regard.
 8. The Council has noted that the application is a resubmission of two previously refused applications¹. However, I do not have the full details of these proposals before me. In any case, I must assess the proposal before me on its own individual merits, which is what I have done.
 9. Consequently, I find that the proposal would harm the living conditions of No 174 and the proposed development would be contrary to Policy 7.4 of the London Plan, adopted March 2016, Policy DC61 of the London Borough of Havering's LDF Core Strategy and Development Control Policies Development Plan Document, adopted October 2008 and the Residential Extensions and Alterations Supplementary Planning Document, adopted March 2011. These policies and guidance, amongst other things, seek new development to be of high-quality design and respect the surrounding context.

Other Matters

10. I note there were concerns raised by the neighbouring property No. 170, that the proposal may cause security issues for the shared driveway and that the proposal could be flats or a house of multiple occupancy. However, I have no

¹ Planning application reference P1116.18 and P0451.18

substantive evidence before me to support these claims, therefore I find no harm in this regard.

11. The appellant has suggested that some changes to the roof would be achievable under Permitted Development Rights and has provided a diagram to demonstrate this. However, I do not have substantive evidence before me that this would be carried out. Further, the appeal scheme would be more significant than what would be undertaken through Permitted Development, therefore, it does not alter my decision.
12. They also raised the issue of loss of light. The Council consider that the impact would be limited as the windows to the side elevation of No.170 are either not primary windows to habitable rooms or they are obscured glazed servicing bathrooms. Further, the gap between the two properties, combined with the existing extensions to No.170 would mean the proposal would not be overbearing or create a sense of enclosure. Having considered the evidence before me, I agree with the Council in this regard and do not find harm to the living conditions of No. 170.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR