



Appeal Decision

Site visit made on 3 December 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/B5480/D/19/3237287

3 Nelmes Close, Hornchurch RM11 2QA

- 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 Anthony Egwuatu-Ndirika against the decision of the Council of the London Borough of Havering.
 - The application Ref P0674.19, dated 29 April 2019, was refused by notice dated 26 June 2019.
 - The development has been described as "a single storey front and rear extension with porch, part two storey side and rear extension, loft conversion with rear dormer and Juliet balcony, change of materials, proposed new window to flank wall, alter existing front driveway and new front wall/screening."
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front and rear extension with porch, part two storey side and rear extension, loft conversion with rear dormer and Juliet balcony, change of materials, new window to flank wall, alter existing front driveway and new front wall/screening at 3 Nelmes Close, Hornchurch RM11 2QA in accordance with the terms of the application, Ref P0674.19, dated 29 April 2019.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PL/3NC/04 Revision A and PL/3NC/06 Revision A.
 - 2) The external surfaces of the development hereby permitted shall be constructed in the materials detailed under Section 5 of the planning application form that was submitted with the application.
 - 3) The roof area of the ground floor side and first floor side and rear extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matter

2. The description of development used above has been taken from the planning application form. The Council has used an alternative description, but Part E of the appeal form utilises the original description and states that a change has not been agreed. I consider the original description to be adequate and I have, therefore, used the one given on the original application, albeit removing the unnecessary reference to the retention of works that have already occurred.
3. On visiting the site, it was apparent that the dwelling had been extended, but the extensions that are the subject of this appeal were not complete and parts

of the development had not been undertaken. I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

5. Nelves Close and the surrounding residential streets are characterised by featuring detached and semi-detached dwellings on generous plots. There is little consistency in terms of the age, scale or appearance of dwellings and it is apparent that a number of dwellings have been the subject of extensions and alterations. Despite the level of variation between dwellings, the area has a pleasant suburban character. The appeal site is located within the Emerson Park Policy Area which the Council has identified as being an area of medium sized family homes.
6. The submissions indicate that the detached dwelling at the appeal site was formerly a 2 storey dwelling with a hipped roof. A certificate of lawfulness¹ was granted for works to the roof of the dwelling and the evidence before me indicates that works associated with this were undertaken prior to the implementation of a planning permission² that exists for various extensions. In most respects, the extensions to the building that are the subject of this appeal are similar to the previously considered developments, albeit there are some alterations to the front extension and the single storey rear extension would be deeper. However, the overall scale and appearance of the resultant dwelling is different as the plans and the on-site situation now reflect the combined effect of the extensions rather than showing them independently.
7. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD), adopted 2011, identifies the importance of retaining the spacing between dwellings where this is a consistent characteristic. In this case, the effect of the 2 storey side extension on the spacing between dwellings is comparable to the effect of existing side projections at other properties within the street. Therefore, when completed, the side extension would not have an intrusive effect on the pattern of development or the character of the area when considered in isolation or in conjunction with the other developments that are shown on the plans.
8. The combination of the side and rear extensions and the alteration of its roof cause the resultant dwelling to be substantially larger than the original building. However, only the roof and side extensions effect the public domain due to the discreet positioning of the dwelling within the street. From where the development would be seen, including the surrounding gardens and dwellings, the bulk and mass of the extended dwelling would not have an incongruous appearance in the context of the other dwellings within the locality.
9. Front projections of varied scale and appearance are a common feature of the dwellings within the street and the surrounding area. As such, the subordinate extensions to the front of the dwelling would not be harmful to the character or

¹ Council of London Borough of Havering Reference D0309.18

² Council of London Borough of Havering Reference P1205.18

appearance of the surrounding area once completed. Furthermore, although taller than most boundary treatments within this part of Nelves Close, the proposed enclosures would be sympathetic to the overall character of the wider area and a sufficient amount of the site frontage would be kept open to avoid the enclosures being unduly dominating. The side window also has little effect on the character and appearance of the dwelling. These views appear to be shared by the Council who have raised no objection to these aspects of the proposal.

10. The development would therefore have an acceptable effect on the character and appearance of the site and the surrounding area and would comply with policy DC61 of the Havering Development Plan Document³ which requires that development responds to distinctive local building forms and patterns of development and respects the scale, massing and height of the surrounding physical context. The development also accords with the content of the SPD which, in addition to that which is referred to above, requires that extensions and alterations do not dominate or detract from the character of the original house or surrounding houses. Furthermore, the proposal is consistent with the Emerson Park Policy Area Supplementary Planning Document (2009) which requires that the area should host detached, individually designed dwellings
11. The development would also be consistent with paragraphs 124 and 127 of the National Planning Policy Framework which requires that development is sympathetic to local character and represents the creation of high quality buildings and places.

Conclusion and Conditions.

12. For the reasons given above I conclude that the appeal should be allowed.
13. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring the development to be undertaken using the external materials listed in the application form. I have also imposed a condition to prevent the use of any of the proposed flat roofs as balconies or garden areas in the interests of ensuring that neighbouring properties are not overlooked in a manner that would affect the occupiers living conditions.
14. The Council has requested the use of a condition to prevent the creation of openings in the flank walls and roofs of the extended dwelling. However, the permitted development rights include conditions that would prevent additional overlooking from any such opening and I have no reason to conclude that a further window would cause damage to the environment of any neighbouring property. I therefore consider such a condition to be unnecessary.

Ian Harrison

INSPECTOR

³ Havering London Borough Core Strategy and Development Control Policies Development Plan Document (2008)