The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/B5480/D/19/3240326
107A Chestnut Avenue, Hornchurch RM12 4HH

- 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 Murat Brahilika against the decision of the Council of the London Borough of Havering.
- The application Ref P1217.19, dated 6 August 2019, was refused by notice dated 2 October 2019.
- The development proposed is first floor rear extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have not included reference in the banner heading to the development being retrospective, as that is not in itself development. However, I was able to see at my site visit that the first-floor rear extension has been constructed. I have therefore altered the description and determined the appeal accordingly.

3. The Council refers to No 105 Chestnut Avenue in their second reason for refusal. From the information on the site location plan and my site visit I am satisfied that the reference to the adjacent occupiers in the refusal reason should be No 107 Chestnut Avenue.

Main Issues

4. The main issues are:

   - The effect of the development on the living conditions of number 107 Chestnut Avenue with particular regard to dominance; and

   - The effect of the development on the character and appearance of the area.

Reasons

Living conditions

5. The appeal property is an end of terraced two storey house located on the corner of Chestnut Avenue and Saunton Road. The area is characterised by a variety of house types with those properties immediately adjacent to the appeal site being of similar design and siting. Plots are generally set back from the road frontage on a similar building line with good sized rear gardens.

6. The appeal property has a two-storey rear pitched roofed pre-existing projection approximately 2.5 metres from the joint boundary with its attached neighbour No 107 Chestnut Avenue. The first-floor extension has been constructed above a previous ground floor lean-to and sits up against the joint boundary with No 107. No 107 has been extended at ground floor. This extension has a pitched lean-to roof with roof lights. At first floor No 107 has two rear facing windows on the original building line.

7. The first-floor extension projects along the joint boundary by just over 3 metres. The extent of the development along the joint boundary introduces a sense of enclosure adjacent to the neighbouring windows. Although the nearest window on the neighbouring property is set in from the boundary and appears to serve a bathroom, due to its height, depth and siting the extension dominates the next door first floor rear elevation resulting in a loss of outlook from, and daylight to, the first-floor rear windows.

8. In addition, although designed with a flat roof, the height and bulk of the extension projects well above the previous lean to and introduces a considerable mass of development on the boundary. As such, it is seen at close quarters from the rear garden of No 107 as an unduly tall and imposing structure which dominates the rear garden space.

9. As a result, I find that the development harms the living conditions of No 107 Chestnut Avenue with particular regard to dominance and conflicts with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (HCS) which seeks to ensure that development does not result in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

10. In addition, the location and size of the extension does not comply with the requirements of the Havering Residential Extensions and Alterations Supplementary Planning Document September 2011 (SPD) which advises that two storey rear projections on terraced properties are rarely acceptable because of the effect on neighbours, unless jointly built. Two storey extensions should be set in from the common boundary by 2 metres and project no more than 3 metres.

Character and appearance

11. The rear elevation of the appeal property and its near neighbours are visible from Saunton Road. The two-storey pre-existing rear projection at the appeal property has a hipped pitched roof and overhanging eaves detail and is prominent in views towards the site. The extension, as built, sits up against the pre-existing rear projection with the same building line, similar materials and flat roof. The flat roof is largely masked by the design of the pitched roof when viewed from the road. As a result, the extension has a limited visual effect on the street scene with the mass of the original building remaining the most prominent feature in views from Saunton Road.

12. Further, the extension, when viewed against the original pitched roof rear projection, has a limited visual effect within the garden environment of the host property.

13. Consequently, I conclude that the development does not have a harmful effect on the character and appearance of the area and, in this respect, accords with

Policy DC61 of the HCS which seeks to ensure that development maintains, enhances or improves the character and appearance of the local area.

Other Matters

14. I appreciate that the extension has used energy efficient materials and would improve the living conditions for the occupiers of the property. However, these matters do not outweigh my findings in respect of the effect of the proposed development on the living conditions of No 107 Chestnut Avenue.

Conclusion

15. I have found that the extension would harm the living conditions of No 107 Chestnut Avenue. Whilst I have found that there would be no adverse effect on the character and appearance of the area, this would not outweigh the harm I have identified to the living conditions of No 107 Chestnut Avenue.

16. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR