

Appeal Decision

Site visit made on 3 December 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2020

Appeal Ref: APP/B5480/C/19/3228955

20 Nevis Close, Romford RM1 4LS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Kamalpreeth Singh against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 12 April 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a side extension.
 - The requirements of the notice are:
 - (i) Demolish the single storey side extension from the area as indicated hatched black on the attached plan; and
 - (ii) Once step (i) is complied with, remove all resulting materials and debris from the site.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the development is exempt from the payment of fees, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Decision

1. It is directed that the enforcement notice be corrected by:
 - substituting "breach of planning control has occurred" for "breaches of planning control have occurred" in paragraph 4.1.
2. Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The enforcement notice

3. As the allegation relates to a single breach, the construction of a side extension without planning permission, I am correcting the notice in paragraph 4.1 where it refers to "breaches" of planning control. As this appears to be a simple typographical error, I am correcting it without causing any significant injustice to the parties.

Ground (a) and the deemed planning application

Main Issue

4. The main issue in this appeal is the effect of the side extension on the character and appearance of the host dwelling and surrounding area.

Reasons

5. The appeal property is a 2-storey semi-detached house on a corner plot in a predominantly residential area. Before the construction of the appeal development, the property had already been significantly extended by a part single-storey, part 2-story extension on the side adjacent to the corner junction facing Helmsdale Road. That extension had been approved by the Council with conditions (the approved extension)¹.
6. Notwithstanding that the appeal extension is single storey and approximately 2m wide, and despite being set very slightly back from the frontage of the host dwelling, it occupies the space between the 2-storey side element of the approved extension and Helmsdale Road. Extending rearwards to correspond with the rear elevation of the approved extension, it directly abuts the footway for a significant distance and is highly visible in the streetscene.
7. In combination with the built form of the host dwelling and approved extension, and notwithstanding its glass panelled roof, the side extension is experienced from Helmsdale Road as a bulky and unacceptably dominant feature. The long expanse of rendered concrete and absence of fenestration on the side elevation, with a gutter overhanging the footway, further heighten the sense of unattractive overdevelopment in the visually-sensitive location of the corner junction.
8. While the walls of the new extension have been painted dark grey to match the colour of the ground floor of the property, the resulting contrast with the cream-painted upper elevation of the approved extension serves to reinforce the addition of the appeal development and the unacceptable contribution it makes to the mass and bulk of the dwelling as a whole.
9. The appellant has referred to the boundary walls of other corner properties in the area abutting the footway. I have not been provided with specific examples. Although locally there appear to be corner properties with boundary treatments abutting the footway in places, I am not aware of any side extensions in the locality which directly abut the footway in a similar way to the appeal development or adversely impact upon the streetscene to an equivalent extent.
10. For all of the above reasons, the appeal development causes significant harm to the character and appearance of the host dwelling and the surrounding area. As such it is in conflict with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008) which seeks to protect the character and appearance of places. It is also in conflict with the design principles in Chapter 12 of the National Planning Policy Framework (the Framework).

Other Matters

11. The appellant refers to the presumption in favour of sustainable development in the Framework. However, the presumption does not apply in this appeal as the development is not in accordance with development plan policies.

¹ P0100.18

12. I acknowledge that the extension would provide usable indoor space for the occupiers, but this benefit does not outweigh the harm caused or the conflict with the development plan.

Ground (f)

13. The appellant has submitted that the introduction of a front window would make the extension more similar to existing extensions. However, this step would not remedy the breach of planning control by restoring the land to its condition before the breach took place, which I find to be the purpose of the notice. In any respect, a window to the front elevation would not diminish the dominance and visual intrusiveness of the side extension, particularly when experienced from Helmsdale Road, arising from its bulk, mass and position abutting the footway. Accordingly, the appeal under ground (f) does not succeed.

Ground (g)

14. The side extension is being using as storage area, and the appellant has said that 6 months is needed to move stored items, arrange and carry out the building works and to remove material and debris as required by the notice. However, I have seen no evidence which persuades me that there would be any particular difficulties in performing these actions within the period in the notice or to otherwise find that 3 months falls short of what should reasonably be allowed to complete them. Therefore, the appeal under ground (g) does not succeed.

Conclusion

15. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the deemed application.

Andrew Walker

INSPECTOR