



Appeal Decision

Site visit made on 25 February 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/B5480/D/19/3243201

27 Ardleigh Green Road, Hornchurch, Essex RM11 2JZ

- 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 Lisa Pittaway against the decision of the Council of the London Borough of Havering.
 - The application Ref P0787.19, received on 17 May 2019, was refused by notice dated 5 November 2019.
 - The development proposed is extensions and additions to convert existing bungalow into two storey dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and additions to convert existing bungalow into two storey dwelling house at 27 Ardleigh Green Road, Hornchurch, Essex RM11 2JZ in accordance with the terms of the application, Ref P0787.19, received on 17 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AGR:27:JAWS:1 (Rev A); AGR:27:JAWS:2 (Rev A); AGR:27:JAWS:3.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extensions and additions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the flank/side elevations.

Procedural Matters

2. There is some variation in the description of the development as given on the planning application form, decision notice and subsequent appeal documents. I have used the description as given on the decision notice so as not to prejudice

interested parties, as this reflects the wording used on the Council's notifications in respect of this appeal.

3. It was requested that I view the appeal site from 25 Ardleigh Green Road and I was able to do so at my site visit.
4. There is a discrepancy on the submitted plans which shows an existing offshoot to the side of the host building as being separated from the boundary with No 25 by a wall or fence. However, I saw that the wall of the offshoot appeared to be directly on the boundary with No 25. I was mindful of this on my site visit and was able to assess the planning merits of the proposal.
5. The Council has confirmed that there was an error in the list of plans in its decision notice and suggested conditions. In particular, plan ref AGR:27:JAWS:2 should specify the correct revision reference i.e. 'Rev A'. I have assessed the proposal on the basis of the plans as confirmed by the Council.

Main Issues

6. The main issues in this appeal are the effect of the proposal on the:
 - Living conditions of occupiers of 25 Ardleigh Green Road in respect of outlook, light, privacy and construction works; and
 - Character and appearance of the area.

Reasons

Living Conditions

7. The proposal would consist of extending the existing bungalow upwards to create a two-storey dwelling house with a resultant increase in the bulk and massing of the building. The building has a close-knit relationship with the adjacent bungalow of No 25, which includes a number of side windows which look onto the appeal site.
8. In particular, there are side windows and a glazed door which serve the kitchen/dining area of No 25, and which look directly onto the side elevation of the appeal building. The views from the windows and door are dominated by the flank wall of the appeal building which also limits the amount of daylight reaching them. The increase in the massing of the building will increase this visual dominance and loss of daylight to the side of No 25.
9. However, I saw that there is a larger window on the rear elevation which provides the main outlook from the kitchen/diner of No 25 and which also provides a significant amount of natural light. The proposal would have minimal, if any, impact on the outlook from this rear window and limited effect on the amount of natural light reaching it. Due to this arrangement, I consider that the room would continue to provide a suitable outlook and level of natural light following the construction of the proposal.
10. There is also a window to the side of No 25 which has obscured glazing. However, due to the nature of occupancy of the room and the obscured glazing, the proposal would not have an unacceptable effect in respect of outlook or loss of light.

11. The side elevation of No 25 also contains the window for a bedroom. However, the appeal proposal would be set further from this window compared to the kitchen/diner, which would mitigate the loss of outlook and light to this window. The appellant also emphasises that the proposal would not conflict with the '45 degree line' test as set out in the Council's Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD). Based on what I have seen and read, the proposal would not lead to unacceptable harm to outlook and light in respect of this bedroom.
12. In conclusion, whilst the proposal would exacerbate an overbearing relationship and loss of light with the side kitchen/diner windows of No 25, due to the layout of the property I do not consider that the effect on habitable rooms of No 25 would be of a degree that would warrant the refusal of planning permission.
13. The proposal would be visible from the patio area and garden to the rear of No 25. However, due to the arrangement of the properties, the proposal would have a minimal effect on the amount of sunlight reaching the patio and garden of No 25 and would have a limited impact on the amount of daylight. Due to the scale of the proposal and the extent of the rear amenity area of No 25, I also consider that the proposal would not have an overbearing effect in views from the rear of No 25.
14. With regards to loss of privacy, the proposal would introduce two first floor windows on the rear elevation which would overlook the rear garden of the property. These windows would also enable views of the rear gardens and amenity areas of neighbouring properties, including No 25. However, the windows would be set back from the site boundary, and the nature and extent of overlooking to properties on either side would not be unduly intrusive. I also note the Council's comments that dormers constructed under the property's permitted development rights would provide a similar outlook. Viewed objectively and in context, I do not consider that the proposal would lead to an unacceptable loss of privacy in respect of neighbouring properties, including No 25.
15. The residents of No 25 have also referred to the potential for noise and dirt arising during the construction of the proposal. However, due to the scale of the proposal such issues would be of a limited degree and would occur for only a temporary period. Within that context, these matters do not represent sufficient reason to withhold planning permission, even allowing for the personal circumstances of the residents of No 25.
16. Drawing the above together, I conclude that the proposal would not lead to unacceptable harm to the living conditions of neighbouring residents, including residents of No 25, with regards to outlook, light, privacy and construction works. The proposal would therefore not conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) which seeks to avoid unacceptable effects on existing properties. The proposal would also not conflict with the National Planning Policy Framework (the Framework) in respect of providing a high standard of amenity for existing and future residents.

Character and Appearance

17. The proposal would result in an increase in the height and massing of the existing bungalow. However, I saw that there is a significant variety in the scale and design of buildings in the vicinity of the appeal site. The evidence also suggests that bungalows on nearby plots have been extended and altered in a similar manner as the appeal proposal.
18. The appeal proposal is of a sensitive design which includes a catslide roof to the front which broadly respects the eaves line of the original and neighbouring bungalows. The dormer windows, particularly on the front elevation, would be of a scale and design which would complement the extended building and which are a relatively common feature in this area. Even allowing for the existing bungalows to the south of the appeal site, the appeal proposal would sit comfortably in this varied street scene and would not appear as an obtrusive or overdominant feature in respect of nearby properties.
19. I conclude that the proposal would not harm the character and appearance of the area. The proposal would therefore not conflict with Policy DC61 of the DPD in respect of urban design or the Framework with regards to achieving well-designed places.

Conditions

20. The Council has suggested a number of conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance. In some cases I have edited the suggested condition in the interests of clarity and precision to better reflect the Guidance.
21. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the approved plans in the interests of certainty.
22. A condition requiring the approval of materials is required in the interests of the character and appearance of the site and the area. This information is required prior to the commencement of development to ensure a suitable match of materials with the existing dwelling and/or to ensure that they are suitable for the area.
23. The potential for unacceptable overlooking of neighbouring properties creates a clear and exceptional reason to remove permitted development rights for the creation of further windows and dormer windows on the side/flank elevations of the proposal.

Conclusion

24. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

David Cross

INSPECTOR