



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/19/3243349

15 Essex Gardens, Hornchurch, Essex RM11 3EH

- 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 R Chen against the decision of the Council of the London Borough of Havering.
 - The application Ref P1130.19, dated 10 July 2019, was refused by notice dated 8 November 2019.
 - The development proposed is part two storey part single storey side and rear extension alterations to front elevation loft conversion to include rear dormer and 2 x velux roof windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to be more accurate and I have therefore used it within this decision.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - Character and appearance of the area; and
 - Living conditions of nearby residents with regards to outlook, light and noise.

Reasons

Character and Appearance

4. The appeal site is one of a pair of semi-detached properties located at the junction between Essex Gardens and Oxford Avenue. Due to this location, the site is relatively prominent within the street scene.
5. The appeal proposal would introduce extensions to the side and rear of the host building which would partially wrap around the dwelling. This would lead to a significant increase in the bulk and massing of the building at first floor level in this visually sensitive location.

6. The building line to the rear of the site along Oxford Avenue is well defined and the proposal would extend beyond this at first floor level. The appeal site also has a relatively symmetrical relationship with the dwelling on the opposite side of Oxford Avenue which has not been extended at first floor level to the side and which contributes to the relatively open streetscape around the junction. Within this context, the extensions would appear as obtrusive features within the streetscape which would have an enclosing effect on the relatively open character of the junction.
7. Whilst the building line along Oxford Avenue does vary further to the north, this does not diminish the strength of the building line in the vicinity of the appeal site, particularly when approaching the junction with Essex Gardens.
8. The proposal would also have an unbalancing effect with the relatively symmetrical relationship at first floor level and above with the adjoining dwelling. This would add to the incongruous appearance of the proposal, particularly as the side and rear elevations would be readily visible from the public realm.
9. My attention has been drawn to an approved extension at 87 Rutland Drive, and I also saw that an extension was under construction at the time of my visit at a dwelling adjacent to the junction between Oxford Avenue and Hampshire Road. However, I have not been provided with full details of these proposals and so cannot be sure that they represent a direct parallel to the appeal proposal, including matters such as planning history, the nature of the building line and the sensitivity of the location. I have in any event determined this appeal on its own merits.
10. I acknowledge that the proposal has been amended over the course of the planning application, including in respect of the scale and set back of the first floor extensions, as well as amending the roof configuration. However, these amendments do not mitigate the visual harm arising from the proposal.
11. I conclude that due to its scale, design and location the proposal would lead to unacceptable harm to the character and appearance of the area. The proposal would therefore be contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) which states that development must complement or improve the amenity and character of the area, amongst other things. The proposal would also be contrary to the National Planning Policy Framework (the Framework) with regards to achieving well-designed places. The proposal would be contrary to the advice of the Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD) in respect of projecting forward of the building line of properties along the adjoining street.

Living Conditions

12. In its decision, the Council refers to the unneighbourly effect of the appeal proposal, although it does not provide further explanation for this. I also note that objections have been received from a neighbouring property referring to issues such as loss of light, visual intrusion and noise.
13. In respect of loss of light, the proposed first floor rear extension would be set back from the boundary with 13 Essex Gardens. Due to this arrangement, the

proposal would not lead to an unacceptable loss of sunlight and daylight to the rear of No 13, including the conservatory and garden area.

14. Similarly, the proposal would not be of a scale or location so that it would have an overbearing impact on the outlook from No 13. However, consideration of this matter does not outweigh my conclusions in respect of the detrimental impact of the proposal on the character and appearance of the wider area.
15. Whilst the construction of the proposal may lead to some noise and disturbance, this would be for a temporary period and could be mitigated through conditions relating to hours of construction. Whilst the proposal would lead to a more intensive use of the site, the evidence suggests that it would continue to be used as a dwellinghouse and any increase in activity which may result would not be of a degree which would warrant the refusal of planning permission.
16. I therefore conclude that the proposal would not lead to unacceptable harm to the living conditions of neighbouring residents in respect of light, outlook and noise. The proposal would therefore not conflict with Policy DC61 of the DPD in respect of the effects on existing properties. The proposal would also not conflict with the Framework with regards to providing a high standard of amenity for existing and future users. The proposal would not be contrary to the advice of the SPD with regards to unacceptably reducing the amenity of neighbouring properties.

Other Matters

17. The appellant has referred to alternative schemes which could be constructed under the property's permitted development rights or which have been suggested by the Council, and which he considers would lead to worse impacts than the appeal proposal. However, I have not been provided with full details of these schemes or evidence in respect of the likelihood of construction. Based on the evidence before me, consideration of these matters does not lead me to a different conclusion in respect of the harm arising from the appeal proposal.

Conclusion

18. Notwithstanding my conclusions with regard to living conditions, I conclude that the proposal would harm the character and appearance of the area. The overriding consideration is that the proposal would conflict with the development plan and the Framework as a whole with regards to urban design and achieving well-designed places.
19. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR