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## Appeal Decision

Site visit made on 11 February 2020

**by Graham Wyatt BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> March 2020**

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### **Appeal Ref: APP/B5480/D/19/3239410 45 Lowshoe Lane, Romford RM5 2AA**

- 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 Bailey against the decision of the Council of the London Borough of Havering.
  - The application Ref P0870.19, dated 3 June 2019, was refused by notice dated 25 July 2019.
  - The development proposed is a ground floor extension.
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### **Decision**

1. The appeal dismissed.

### **Main Issue**

2. The main issue is the effect of the development on the living conditions of adjoining occupiers with particular regard to outlook and overshadowing at 47 Lowshoe Road.

### **Reasons**

3. The appeal site is a semi-detached dwelling that is located within an area which is predominantly residential in character. The property benefits from an existing single storey rear extension and the proposal seeks to enlarge this by increasing its length by some 1.85m. The neighbouring property at 47 Lowshoe Lane also benefits from a single storey rear extension which is smaller in length and height than the neighbouring extension at the appeal site. Notwithstanding the appellant's views on the use of the neighbour's extension as a laundry and storage area, it contained a settee at the time of my visit and was in use as an additional room to sit out and relax.
4. The development would increase the size of the existing extension with an additional length of blank wall and flat roof. Given the scale of the proposed extension in terms of its height and length in such close proximity to the shared boundary with its neighbour at No.47, it would result in an overbearing and domineering development that would be visually intrusive and harmful to the outlook of the adjoining occupiers to an unacceptable level. This harm would be experienced from within the neighbour's extension and from the garden area, which would be a significantly less pleasant space for the occupiers of No. 47 to enjoy.
5. However, given the orientation of the extension to the east of the neighbour and that the properties are south facing, I accept that there would be some

potential for the extension to overshadow the rear of No. 47 during part of the day. However, I am not persuaded that this would impact significantly upon the neighbour's living conditions. Neither do I consider that there would be any significant impact upon natural daylight to the adjoining living space.

6. Thus, the proposed extension would result in material harm to the living conditions of adjoining occupiers. It would be in conflict with Policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 and the London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document 2011, which seek, amongst other things, to ensure that developments complement or improve the amenity and character of an area and do not have an overbearing impact on neighbours.

### **Other Matters**

7. The appellant makes reference to other properties in the area that have been extended with single storey extensions. However, I have not been provided with sufficient details to assess the circumstances that led to these developments being granted planning permission to enable me to make a direct comparison to the development before me. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.
8. Reference has also been made to the potential to carry out elements of the scheme as 'permitted development'. However, whether or not planning permission is required for the proposal is not a matter that is before me as part of this appeal, as other mechanisms exist to resolve such issues. Consequently, I have determined this appeal on its merits and in light of all representations made.

### **Conclusion**

9. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

*Graham Wyatt*

**INSPECTOR**