



Appeal Decision

Site visit made on 9 June 2020

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/B5480/D/19/3223918

177 Cherry Tree Lane, Rainham RM13 8TU

- 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 Yunus Afridi against the decision of the Council of the London Borough of Havering.
 - The application Ref P1733.18, dated 19 November 2018, was refused by notice dated 14 January 2019.
 - The development is described as a retrospective planning application for the retention of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a retrospective planning application for the retention of a single storey rear extension at 177 Cherry Tree Lane, Rainham RM13 8TU in accordance with the terms of the application, Ref P1733.18, dated 19 November 2018, and the plans numbered Block Plan, ICON-26-P1 – Floor Plans, ICON-26-P2 – Elevations and ICON-26-P3 – Elevations.

Procedural Matter

2. The application form identified that the work had been completed prior to the point at which the application was made. Therefore, the plans submitted with the application are intended to be a representation of what is already there. There is nothing before me to indicate that there is any discrepancy between the plans and the development, as built, and I have proceeded on the basis that they are an accurate representation. In other words, planning permission is sought for the development as it exists on the ground.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area;
 - The living conditions of adjoining occupiers having regard to overbearing.

Reasons

Character and appearance

4. Number 177 Cherry Tree Lane is a narrow two storey property with a hipped roof and bay windows in the front elevation and is set back on its plot when compared with the building line of the adjacent properties on either side. The

adjoining properties are one and a half and two storey respectively and the area has a mix of architectural styles.

5. The single storey rear extension has been constructed with a flat roof and although not matching the roof style of the existing dwelling, due to its length, the flat roof helps to limit the overall height reducing its visual impact. The extension has been finished with render and painted to match the colour of the existing dwelling. As such, it does not jar with the appearance of the existing dwelling and as a result does not harm its overall character.
6. The extension has a significant depth at over 8 metres long. The appellant has indicated that there would be a fallback position under the prior approval process that would allow for a single storey rear extension of 8 metres in length. This fallback establishes the principle of a deep rear extension in this position. There is disagreement between the parties over the extent of the increase in the depth of the extension as built beyond what the fallback would allow. However, even taking the Council's figure of 240 millimetres which is the greater, the extent of the extension as built has a minimal impact over the fallback. The depth of the development that has been allowed under the fallback position is such that I afford it significant weight. Therefore, in light of the extent of the development beyond what would be possible under the fallback, the minimal additional depth does not result in a more intrusive development than would otherwise be possible.
7. In light of the above, I consider that the development does not result in harm to the character and appearance of the area. As such, it complies with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (the 'HCSDCP') which states that Planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area, which is in keeping with the aims of section 12 of the National Planning Policy Framework.

Living conditions

8. The extension has been built to match the width of the existing dwelling, although it is in close proximity to the boundaries of the site due to the narrow width of the plot. There is a small window in the north eastern side elevation, and three small windows in the south west elevation and paths to each side of the extension allowing access to the rear of the property. The existing dwelling is set back behind the building line of the adjoining properties, which combined with the paths along the side of the extension provide a sufficient distance between the extension and the boundaries of the adjoining properties to avoid harm to their living conditions as a result of overbearing.
9. The site is bordered by an approximately 2 metre high close board fence which screens the extension from the adjoining property to the north east (Nos. 179-181 Cherry Tree Lane) and an approximately 1.5 metre high wall along the side boundary adjoining No. 175 Cherry Tree Lane. These provide significant screening of the extension which mitigates the visible extent of the development. As set out above, the flat roof limits the height of the extension, and as such, I do not consider the height and position of the extension to be intrusive. As such, it would not result in overbearing.
10. In light of the above, I consider that the proposal will not result in harm to the living conditions of adjoining occupiers having regard to overbearing. As such,

the development accords with Policy DC61 of the HCSDCP (2008) which states that Planning permission will not be granted where the proposal results in, amongst other things, unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing and new properties.

11. The development also accords with the aims of Paragraph 127 of the National Planning Policy Framework which seek to create places with a high standard of amenity for existing and future users.

Conditions

12. The Council has identified conditions which the appellant has had the opportunity to comment on. I have considered these against the advice in the Framework and the Planning Practice Guidance and have only imposed them where I consider them to meet the tests, amending them where necessary for the sake of clarity, precision and enforceability.
13. As the development has been carried out, no standard time limit has been imposed. For the same reasons I have also not imposed the Council's suggested condition requiring external finishes to match the existing building, or that the development shall be carried out in accordance with the plans as the development has already taken place.
14. In the interests of avoiding harm to the living conditions of the occupiers of adjoining properties, a condition has been suggested by the Council to remove permitted development rights in relation to the installation of additional windows in the flank walls of the extension. Paragraph 53 of the Framework indicates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In light of the acceptable screening between the extension and the adjoining properties, there is no clear justification for the imposition of this suggested condition, and as such it is not imposed.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed and planning permission granted.

P Mileham

INSPECTOR