



Appeal Decision

Site visit made on 6 July 2020 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Appeal Ref: APP/B5480/D/20/3249513

89 Christchurch Avenue, Rainham, Essex RM13 8JA

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Agates against the decision of London Borough of Havering Council.
 - The application Ref P1558.19 dated 7 October 2019 was refused by notice dated 9 March 2020.
 - The development is described on the application form as annexe for invalid elderly parents to rear of the garden.
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Decision

1. The appeal is allowed and planning permission is granted for annexe for invalid elderly parents to rear of the garden at 89 Christchurch Avenue, Rainham, Essex RM13 8JA, in accordance with the terms of the application Ref: P1558.19, dated 7 October 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those identified in section 10 of the application form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: OS MasterMap, M81019 (SHT 1), M81019 (SHT 2), M81019 (SHT 3) and M81019 (SHT 4).
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 89 Christchurch Avenue, Rainham, Essex RM13 8JA

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The Council's only reason for refusal relates to overlooking and privacy. However, the officer's report raises no concerns in respect of privacy, with which I concur, and instead considers the development to be excessively

dominant, overbearing and out of character. As such I consider the main issue to be the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property forms the left-hand half of a pair of two-storey semi-detached houses. The appeal site contains a flat roof detached garage that abuts the side boundary of No.87 and is set forward a considerable distance from the rear boundary of the appeal property. It is therefore highly visible from the street scene. I witnessed various other outbuildings of different sizes and styles in the rear gardens of properties within the immediate and wider vicinity of the appeal site, including at No. 87 where a similar styled garage to the appeal site abuts the rear boundary of their property. Hence outbuildings are not an uncommon feature of the area.
5. The proposal would demolish the existing garage and create a new shallow pitched roof outbuilding that would abut the rear boundary of the appeal site. It would be setback from the street a considerable distance compared to the existing garage. Although the proposal would be higher and wider than the existing garage, its design features, such as the pitched roof and matching materials, would complement the appeal property more. Its position would also provide a greater sense of cohesion as it would align better with the garage at No.87 and, despite its size, maintain a sense of spaciousness in the curtilage around the appeal dwelling. This setback, combined with the design, would create a subservient and pleasing view when seen from the street. As such, it would not appear overbearing or dominant when viewed from the public realm and given the various styles of the outbuildings witnessed, it would not appear incongruous in the immediate or wider vicinity.
6. The officer's report states there's no justification as to why such a large annexe is required and questions its accessibility by a wheelchair. However, as the size of the annexe is deemed acceptable, it is not necessary to justify the need for it.
7. Based on the reasoning above, the development would not have an adverse effect on the character and appearance of the area. I therefore do not find conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document, adopted 2008, (Core Strategy), which seeks to ensure developments complement or improve the character of the area.

Conditions

8. I have had regard to the conditions suggested by the Council and where necessary I have amended them in the interests of clarity and to reflect the advice in the National Planning Policy Framework and national Planning Practice Guidance.
9. In the interests of certainty, a condition is necessary to ensure the development is carried in accordance with the approved plans and within three years of the date of this decision. Furthermore, in the interests of protecting the character and appearance of the area, a condition is necessary to ensure the materials used are those identified in section 10 of the application form.
10. A condition preventing the use of the outbuilding as an independent residential unit is necessary in the interests of protecting the character of the area. As

such, a condition is imposed to reflect the aims of the Council's suggested conditions numbered 6 to 8.

11. The Council seek to prevent any future installations of windows to the flank walls of the proposal in order to safeguard the privacy of neighbouring occupants. However, this condition is deemed unnecessary as the majority of views would be blocked by the boundaries surrounding the outbuilding. Similarly, it is considered unnecessary for the proposed flank and rear windows to be obscurely glazed and non-opening as the high level nature of these windows would be sufficient to prevent any overlooking from within the annexe.

Recommendation and Conclusion

12. For the reasons set out above, and having had regard to all other matters raised, I recommend the appeal is allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR