



Appeal Decision

Site visit made on 29 September 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/B5480/D/20/3246638

119 Harwood Avenue, Hornchurch RM11 2NZ

- 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 Giedrius Sirvydis against the decision of the Council of the London Borough of Havering.
 - The application Ref P1697.19, dated 9 November 2019, was refused by notice dated 6 January 2020.
 - The development proposed is described as 'existing roof dormer partial extension and minor internal alterations.'
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Decision

1. The appeal is allowed and planning permission is granted for existing roof dormer partial extension and minor internal alterations, at 119 Harwood Avenue, Hornchurch RM11 2NZ, in accordance with the terms of application Ref P1697.19, dated 9 November 2019, and 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: 2019_119HA_PL_001; 2019_119HA_PL_002; 2019_119HA_PL_003; 2019_119HA_PL_004; 2019_119HA_PL_005.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The effect of the proposal on the character and appearance of the area.

Reasons

3. The property has a dormer window to the rear roof slope, indicated to have been granted permission in 2001. It is the only dormer window within the terrace of 12 dwellings of which the appeal dwelling forms part.
4. The existing dormer is an isolated addition to the roofline of the terrace, but it is now long established. The dormer enlargement would be modest in size, extending across the roof slope behind the existing two storey rear extension, which would partially screen the enlarged section in views from rear gardens of

- Nos 117 and 115. The shape of the dormer would be retained, and matching materials would be used. Given these factors, the enlarged dormer would not significantly alter the dwelling as viewed from neighbouring rear gardens.
5. The Council refers to the guidance of its Residential Extensions and Alterations Supplementary Planning Document (March 2011) which states that dormers should be contained well within the body of the roof, by being set well back from the eaves, and by setting the sides well in from any gables or party walls. It adds that dormers must never extend above the ridge line of the roof and should be located well below it.
 6. The fact that there is an existing dormer restricts the extent to which this guidance can now be followed, but the plans indicate that the existing dormer sits just below the main ridge line, and I saw it sits clearly above the eaves line. Although the enlarged dormer would extend to the side edge of the roof, it would match the position on the other side and would result in a logical, centred arrangement which would not detract from the overall appearance of the dwelling.
 7. The appellant argues that the proposal amounts to permitted development, and cites by way of support a lawful development certificate (LDC) granted at 72 Harwood Avenue. However, an LDC is considered on the specific evidence in each case, and is not a precedent for other properties where site circumstances may differ. There is no LDC before me pertaining to the appeal site, nor has any party put forward an assessment of the proposal against the permitted development rights set out under the Town and Country Planning General Permitted Development (England) Order 2015. Therefore, I cannot be sure that the proposal would amount to permitted development or that a fall-back position exists. This is not decisive, however, in light of my findings above.
 8. For the reasons given, I conclude that the proposal would not harm the character and appearance of the area, and would not conflict with Policy D61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) which requires development to maintain, enhance or improve the character and appearance of the local area.

Other Matter

9. No harm was identified by the Council in respect of the effect on the living conditions of neighbouring occupants, and on the evidence before me, I have no reasons to disagree.

Conditions

10. To provide certainty, a condition is required specifying the relevant drawings. It is also necessary to impose a condition requiring external surface materials to match the existing dwelling in order to secure a satisfactory appearance.

Conclusion

11. For the reasons given, the appeal is allowed.

K Savage

INSPECTOR