



Appeal Decision

Site visit made on 21 October 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/B5480/D/20/3242408

201 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 Miss Sarah Moynihan against the decision of the Council of the London Borough of Havering.
 - The application Ref P0337.19 dated 3 March 2019, was refused by notice dated 11 October 2019.
 - The development proposed is roof alterations to include increased roof height to create additional accommodation on the first floor and additional windows to front, sides and rear. Part first floor and part ground floor single storey extension. Extension of existing garage to create a games room.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, I have taken the description of development from the decision notice. On the application form, the description of proposed works is "I wish to extend my current chalet into a normal size two storey house with an update to the current rear extension and a first floor extension on top of this. I would also like to extend my garage and have an outbuilding in front of the garage at the back of my garden."

Main Issues

3. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

Reasons

Character and appearance

4. The appeal property is a detached dwelling. It is described by the applicant as a chalet and it sits between a neighbouring true bungalow, No 203 Cherry Tree Lane, to one side and a two storey semi-detached dwelling, No 199 Cherry Tree Lane, to the other side. The appeal property has rooms at first storey/roof level and is taller than No 203 and lower than No 199.
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5. The property is located in a mixed-use area, comprising housing, retail and commercial units with flats above and opposite the appeal property there is a fast food restaurant with a parking area and drive-through facility.
6. Dwellings along Cherry Tree Lane in this area tend to be set back from the road behind short parking and/or garden areas. During my site visit, I observed there to be a wide range of dwelling types, including detached and semi-detached houses and a four storey block of flats; and that the heights of houses tend to range between single, one and a half and two stories.
7. I also noted during my site visit that, whilst houses tend to stand close to one another with only small gaps in between, by and large there is little sense of dwellings being “crammed” together. Rather, along the same side of Cherry Tree Lane as the appeal property, there is a sense of spaciousness afforded by the presence of bungalows, with roofs that sloop away from taller neighbouring properties and by the presence of larger gaps between groups of two storey dwellings.
8. There are long gardens to the rear of dwellings along Cherry Tree Lane. Many of these rear gardens are characterised by the presence of outbuildings, of varying shapes and sizes, including garden sheds and garages. During my site visit, I observed that the majority of such buildings appear subordinate to host properties and in keeping with their garden setting. However, to the rear of No 199, there is a partially built brick garage, which, whilst it does not extend across the full width of the garden, projects considerably into the rear garden. As a result of this and its brick-built appearance, this building draws undue attention to itself as an incongruous feature in its surroundings.
9. The existing garage to the rear of the appeal property is set at the end of the rear garden and is accessed from the road behind. Whilst a relatively large garage which projects towards the rear of the house and extends across much of the width of the garden, the low height and functional form of the existing garage appears in keeping with its surroundings.
10. The proposal would greatly extend the overall height, volume and projection into the garden of the garage. As such, I find that it would result in a very large building that would appear unduly dominant in a garden setting largely characterised by outbuildings of a much lesser scale. The proposal would extend across the width of the rear garden. As such, I find that it would appear even larger and more prominent than the building to the rear of No 199 referred to above.
11. Combined with its size, the proposal’s close proximity to neighbouring boundaries would result in it drawing undue attention to itself as an incongruous feature, out of keeping with the character of the surrounding area.
12. Taking the above into account, the proposed development would harm the character and appearance of the area, contrary to the National Planning Policy Framework (the Framework), London Plan (2016) Policy 7.4, Core Strategy¹ Policy DC61 and the Havering Residential Extensions and Alterations Supplementary Planning Document (2011) (the Council’s Extensions and

¹ Havering Core Strategy and Development Control Policies Development Plan Document (2008).

Alterations SPD), which together amongst other things, seek to protect local character.

Living conditions

13. The proposed development would extend No 201 to the rear, raise the height of the dwelling and significantly extend the volume of accommodation at first floor level. As a consequence, the proposed first floor would effectively replace the roof which currently slopes away from neighbouring properties, with tall walls that would rise to a higher eaves level and a new roof.
14. Whilst the gaps to either side of the appeal property are very narrow, the relatively low height and slope of the dwelling's existing roof provide for considerable daylight to reach into each gap.
15. However, I consider that the proposal would give rise to a "tunnel" effect along either side of the appeal property, reducing the amount of daylight reaching these side areas. The impact of this would be especially harmful to the occupiers of No 203, which has windows facing directly towards and in very close proximity to, the side of the appeal property. The proposed development would result in a very gloomy outlook from these windows, as the proposal's first floor walls would "loom" above and severely limit glimpses to the sky above.
16. Taking this and the above into account, I find that the proposal would harm the living conditions of neighbouring occupiers with regards to outlook and daylight. This is contrary to the Framework, to Core Strategy Policy DC61 and to the Council's Extensions and Alterations SPD, which together amongst other things, seek to protect residential amenity.

Other considerations

17. I note that the current occupiers of Nos 199 and 203 Cherry Tree Lane have written in support of the proposed development. However, I have found that the proposal would result in harm to both local character and residential amenity and the totality of this harm is not outweighed by the letters of support.

Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR