

Appeal Decision

Site visit made on 24 November 2020

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

Appeal Ref: APP/B5480/D/20/3256671

1A The Sheilings, Hornchurch RM11 2QD

- 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 Sunil Sehdev against the London Borough of Havering Council.
 - The application Ref P0338.20, dated 5 February 2020, was refused by notice dated 12 June 2020.
 - The development proposed is for demolition of conservatory and construction of double storey side and rear extension with internal reconfiguration and new roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 1 The Sheilings, with specific reference to outlook.

Reasons

Character and Appearance

3. The appeal site is located within a residential area comprising mainly detached dwellings of a wide variety of designs and forms. The host dwelling is relatively modern with a good degree of articulation, including an attached single storey garage element to its western side adjacent to and set forward of 1 The Sheilings.
4. I note that the appeal site falls within the Emerson Park Policy Area which policy DC69 of the Havering Core Strategy and Development Control Policies Development Plan Document adopted 2008 (DPD) highlights is typified by large and varied dwellings set in spacious mature, well landscaped grounds. The policy then goes on to state that the detailed criteria for dealing with planning applications in such an area is contained within supplementary planning documents, which in this case comprises the Emerson Park Policy Area Supplementary Planning Document adopted February 2009 (SPD).
5. In terms of general guidance, the SPD stipulates that no new extension to an existing building will be permitted unless its massing and architectural character, and the resultant space between adjacent buildings, is compatible with the character of the local street scene.

6. Having regard to the wide variety of dwelling designs and forms as referred to above, I consider that the proposed development would not appear out of character with its surroundings and consequently I find that there would be no material conflict between the proposal and the SPD or DPD policy DC69 which it supports.

Living Conditions

7. No 1 is set considerably further back than no1A and as demonstrated by the appellant in their statement, the existing dwelling currently intersects a 45° line from the edge of the former's closest habitable room window. The Council highlights that the appeal property is currently located 4.7m forward of no1 and that the proposed extension would project further beyond the front line of this neighbouring property by more than 7m. The appellant does not dispute these figures.
8. Having regard to figure 16 in the appellant's statement, I consider that the proposed two storey side extension would give rise to an overbearing effect upon the closest habitable room window of no 1, causing a material loss of outlook. The same could be said in regard to the outlook from no1's dining room window, as well as from the nearest first floor window over, although the impact upon these would be slightly less due to the greater distance to the shared boundary.
9. I accept there would be no material loss of amenity to the external areas of no1, with the front garden being wholly exposed within the public realm there would be no erosion of privacy to this area, if used for outdoor seating. Notwithstanding the fact that I find no direct conflict with DPD policy DC61, I consider that the proposal conflicts with paragraph 127 f) of the National Planning Policy Framework which requires developments to create places with a high standard of amenity for existing and future users.
10. I have no reason to doubt that the appeal site is located within a sustainable location and I acknowledge the reference to the General Permitted Development Order, however the proposal before me required an application for planning permission to be made, hence this appeal. Therefore these factors do not outweigh the harm that I have found that the proposal would cause to the living conditions of the occupants of 1 The Sheilings, and notwithstanding the fact that in terms of the issue of character and appearance, I've found in favour of the appellant.

Conclusion

11. Therefore, having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR