

Appeal Decision

Site visit made on 25 November 2020

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07/01/2021

Appeal Ref: APP/B5480/D/20/3256632
91 Cedar Road Romford RM7 7JT

- 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 Zilvinas Salna against the decision of the Council of the London Borough of Havering.
 - The application Ref. P0357.20, dated 8 March 2020, was refused by notice dated 4 May 2020
 - The development proposed is the erection of a two storey side extension included partial front porch.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Zilvinas Salna against the Council. This application is the subject of a separate Decision.

Main Issue

3. The effect of the proposed development of the character and appearance of the host dwelling and the area.

Reasons

4. The appeal property (No 91) is one of a pair of semi-detached dwellings on a corner plot sited within a residential area characterised by a mix of semi detached and terraced dwellings. The corner plots of properties at the Cedar Road/Willow Street junction have gaps at the side. Some of these gaps now contain garages. There is a single storey side extension to the side of the attached semi to No 91. However due to its scale and positioning, the pair of dwellings have an appearance of balance and symmetry when viewed directly from the front.
5. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) provides that the symmetry of semi detached houses and the spacing between pairs are important considerations for side extensions, and that side extensions should be subordinate to the existing dwelling to ensure that they do not unbalance a pair of semi-detached properties. In this case, the

proposed extension would be a full two stories in height and would occupy the side of the site in the gap. The front porch would wrap around both the existing dwelling and the proposed extension. Because of the closeness of the proposed extension to the front and side site boundaries on this corner plot, the extension and in particular the front porch element, would result in a cramped appearance to the front. This would interrupt the balance and symmetry with the attached dwelling and would be an intrusive feature in the streetscene. The construction of a hipped roof, rather than a gable finish, would further add to the unbalancing of the pair of dwellings. As such, the proposed extension would be a discordant feature and would disrupt the pattern of development to the detriment of the streetscene.

6. Whilst I acknowledge that the guidance in the SPD is not prescriptive, its overall aim is to ensure that extensions make a positive contribution to the host dwelling and the street scene. The proposal to lower the ridge height of the extension would provide for a subordinate appearance in line with the guidelines contained within the SPD. However, the lack of a one metre setback in the front elevation at first floor level, resulting in the development sitting forward of the adjoining non-attached dwelling at Cedar Road, disrupts the streetscene.
7. My attention has been drawn to the development on Willow Street where a two storey extension has been built in the gap of the corner plot of No 77 Willow Street (No 77). I do not have the details of the circumstances in which this development was approved. Nonetheless I note that the design is such so that the extension is subordinate to its host dwelling, with a lower hipped roof and with no porch to the front. As such it is not directly comparable with the appeal proposal before me which limits the weight I attach to it. The appellant asserts that the proposed scheme would restore the symmetry within the street scene at this junction of Cedar Road and Willow Street. Given the harmful effect I have identified which would arise from the resultant development I do not consider this to be the case.
8. The appellant also refers to an appeal decision on a similar development, but I am not aware of the particular circumstances of the appeal decision to be able to draw direct parallels to it. In any event, I must consider the present appeal scheme on its own merits. The existence of other extensions within the locality does not justify the harm I have identified in this case.
9. For the above reasons the proposal would result in unacceptable harm to the character and appearance of the host dwelling and the area. It would therefore conflict with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (LDF) and Policy 7.4 of the London Plan which together require development to maintain, enhance or improve the character and appearance of the area for permission to be granted and for development to respond to patterns of development. Whilst the proposal would not conflict with those parts of Policy DC61 which relate to circumstances where planning permission would not be granted, it would however conflict with Policy DC61 when considered as a whole. The proposal would also conflict with the SPD which provides that side extensions should be subordinate to the existing dwelling to ensure that they do not unbalance a pair of semi-detached properties.

Other Matters

10. Reference has also been made to the personal circumstances of the family in seeking larger family accommodation to meet their needs. I have given the appellant's personal circumstances, as set out, careful consideration but I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest and that personal circumstances seldom outweigh such considerations.
11. In reaching my decision I have had regard to the references in Local Plan Policy and the National Planning Policy Framework (NPPF) which support the proposal including the extension of dwellings to address a shortfall of larger dwellings within the borough and the improvement of living accommodation for the appellant and his family. Whilst I give moderate weight to the provisions cited in support, such considerations do not override the provisions both in the Local Plan and the NPPF regarding the high standard of design which responds to local character and in ensuring that development is sympathetic to local character.
12. The appellant asserts that refusal of planning permission would interfere with their rights under Articles 1 and 14 of the Convention of Human Rights, as incorporated into the Human Rights Act. Having regard to the legitimate and well established planning policy to protect the harm and character of the area, I consider that greater weight attaches to the public interest. Dismissal of the appeal is therefore necessary and proportionate and would not result in a violation of the human rights of the appellant.
13. The appellant has referred to the Council's handling of the application but this is not a matter before me. Nor is it one which alters my findings.

Conclusion

14. The two storey extension with partial front porch would have a harmful effect on the host dwelling and the character and appearance of the area. There are no other considerations which would outweigh these findings nor the conflict with the Development Plan. Accordingly I dismiss the appeal.

K Winnard

INSPECTOR