
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/20/3256209

5A Nelmes Road Hornchurch Essex RM11 3JA

- 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 A Horton against the decision of the Council of the London Borough of Havering.
 - The application Ref. P0102.20, dated 23 January 2020, was refused by notice dated 5 June 2020.
 - The development proposed is a single storey and first floor rear extensions, two storey front extension and conversion of roof space to habitable use to include roof extension with an increase in height and roof enlargement with 3 front and 3 rear dormer windows. Erection of detached garage and pool enclosure (revised description).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey and first floor rear extensions, two storey front extension and conversion of roof space to habitable use to include roof extension with an increase in height and roof enlargement with 3 front and 3 rear dormer windows. Erection of detached garage and pool enclosure at 5A Nelmes Road Hornchurch Essex RM11 3JA in accordance with the terms of the application, Ref P0102.20, dated 23 January 2020, and the plans submitted with it, 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: NREP-02 Proposed Ground and First Floor Plan, NREP-04 Proposed Elevations and Block Plan, NREP-04-Roof Floor Plan and Roof Layout.
 - 3) Notwithstanding condition 2, prior to construction of the external surfaces of the development hereby permitted, details of the materials to be used shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The roof area of the ground floor rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Procedural Issues

2. I have adopted the Council's description of the development as this describes the development more accurately.
3. The development, the subject of the appeal, consists of a number of elements. I noted on my visit that building works are taking place on the site. The Council has indicated that it has no objections to the swimming pool enclosure and to the garage at the front of the site. Accordingly I shall direct my assessment to the proposed single storey and first floor rear extensions, two storey front extension and the conversion of roof space including the roof extension and enlargement with an increase in height and the incorporation of dormers.

Main Issue

4. The effect of the proposed development on the living conditions of the occupiers of adjacent dwellings with particular regard to outlook and light.

Reasons

5. The appeal property, 5A Nelmes Road (No 5A), is situated in a residential area where the predominant form is of large detached dwellings in spacious grounds. No 5A is of relatively modest proportions in this respect and is set back from the front of the adjoining properties, No 5 and No 7 Nelmes Road and already projects beyond the walls of the two properties at the rear. Both Nos 5 and 7 have single storey outbuildings/garages on the boundary with No 5A. Whilst Nos 5 and 5A share the same aspect, No 7 is positioned such that it is the rear elevation which faces No 5A. There are a number of windows in this elevation, to both habitable and non habitable rooms, the majority of which due to the set back, face the existing side elevation of No 5A.
6. The proposed extensions converting the roof space and incorporating an increase in roof height, dormers and crowned roof would be built up at the rear over the existing ground floor extension and at the front by a part two storey extension. At both the rear and the front there would be an increase in the massing of the side elevation of No 5A when viewed from the habitable rooms at No 7. Whilst the increase in the mass of the dwelling at first floor level, including additional height, would introduce an enclosing feature to the outlook from No 7 this would not in my view be overbearing given No 5A is separated from the common boundary by a wide footpath, and in the case of No 7 by a driveway. In addition, any enclosing effect would be mitigated by the current gable ends of the dwelling being replaced by hipped roofs which would break up the mass of the proposed extensions.
7. In the case of No 5, the existing outlook from the side is already towards a two storey dwelling. There would be an overall increase in massing including an increase in roof height and incorporation of the dormers but the inclusion of a hipped roof would break up the increased massing. The proposal would introduce built development at the front and side of No 5A adjacent to the boundary with No 5. Nonetheless the front facing windows of No 5 are placed well away from the common boundary such that the proposed extension would not unacceptably dominate the outlook from No 5. Consequently, I do not believe that the appeal scheme would give rise to an unacceptable domineering outlook or enclosing effect for the occupiers of Nos 5 and 7.

8. Whilst the Council refers to a loss of light, this is not quantified. Whilst there would be some loss of sunlight, particularly in relation to sunlight later in the day at the side elevation to No 5, this would not have in my view a significant unacceptable effect bearing in mind the orientation of the properties to the appeal site. All the properties have generous gardens and a reasonable level of sunlight towards their habitable rooms and amenity areas would be maintained.
9. No 5A is described by the Council as having a modest design and siting with previous extensions designed to minimise the impact on the amenity of the occupiers of neighbouring properties, however the plot is large enough to comfortably accommodate the proposal and sufficiently separated from the neighbouring properties. For the reasons given above I do not believe that the proposed scheme would be an incongruous addition giving rise to unacceptable impacts in terms of outlook and light on the living conditions of the occupiers of neighbouring properties.
10. The Council do not raise concerns in regard to privacy and overlooking and having regard to the juxtaposition of the dwellings, I see no reason to disagree with this view. I note also that the Council have raised no objections to the depth and height of the ground floor rear extension. I would concur with this assessment given the presence of the outbuildings/garage on the common boundaries. Further the Council have concluded that the proposal would not unacceptably impact on the street scene.
11. I therefore conclude that the proposal would not give rise to unacceptable effects on the living conditions of the occupiers of Nos 5 and 7 Nelmes Road with regard to their outlook and light, and would therefore not conflict with Policy DC61 of the LDF, in that it would not result in unacceptable overlooking and loss of sunlight/daylight. It would also not conflict with the Residential Extensions and Alterations Supplementary Planning Document which requires extensions not to have an unacceptable adverse impact on the amenity of neighbours.

Other Matters

12. The appellant has raised the amount of CIL liability resulting from any development approved but this is not a matter before me or one which alters my findings.

Conditions

13. The Council has suggested a number of conditions. Conditions in respect of timescale and specifying the approved plans are necessary as this provides certainty. I note from the application form that it is proposed to render the property. As such I have amended the condition to reflect that samples of the materials to be used are provided to the Council for approval, and carried out in accordance with the approval in the interests of the character and appearance of the area. A condition to restrict the use of the roof area of the ground floor rear extension is imposed as this is necessary in the interests of privacy.
14. The Council has suggested a number of other conditions. Planning Practice Guidance indicates that conditions should only be imposed where, amongst other things, they are necessary and relevant to the development to be

permitted. A condition to require obscure glass and limit the opening of the roof lights inserted on the roof slope is not necessary given that the position and height of the roof openings would not provide an opportunity to overlook neighbouring properties. Likewise, I do not consider conditions requiring the windows in the flank elevations to require obscure glass or the removal of permitted development rights to be necessary given their relationship and reasonable separation distance with adjacent properties.

15. There is no evidence to suggest that there is any intention to use the swimming pool and garage for a non domestic purpose or for living accommodation. Nor are such conditions necessary since the introduction of a trade activity or business or living accommodation which gave rise to a material change of use would require planning permission and in such circumstances the Council would still be able to exercise control in terms of residential amenity. Nor is there any suggestion of problems of providing off street parking within the site. As such I find these conditions to be unnecessary.

Conclusion

16. For the reasons given, I allow the appeal as set out in the formal decision above.

K. Winnard

INSPECTOR