

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: 08 January 2021.

Appeal Ref: APP/B5480/D/20/3257455

27A Woodlands Avenue, Hornchurch, Essex RM11 2QT

- 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 K Shonowo against the decision of the London Borough of Havering Council.
 - The application Ref P0046.20, dated 18 December 2019, was refused by notice dated 22 May 2020.
 - The development proposed is for a side extension - raising roof ridge to form accommodation in loft and external façade alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a side extension - raising roof ridge to form accommodation in loft and external façade alterations at 27A Woodlands Avenue, Hornchurch, Essex RM11 2QT, in accordance of the terms of the application ref P0046.20, dated 18 December 2019 subject to the conditions set out within the schedule attached to this decision.

Main Issue

2. The main issue is the effect of the appeal proposal upon the living conditions of the occupants of neighbouring residential properties, with specific reference to outlook.

Reasons

3. The appeal dwelling comprises a detached house built in the 1960's, located within a residential street largely comprising substantial detached houses in generous grounds, all of different designs and forms. 27 Woodlands Avenue to the west is a modern large detached house, whereas 29 Woodlands Avenue to the east is of an Arts and Crafts design. Both neighbouring houses have habitable room windows facing the appeal site although the existing dwelling and that as proposed to be extended with the construction of a crown roof over the two storey element of the host dwelling would not breach a direct line of sight from these.
4. With regard to the impacts upon no27, as highlighted by the Council, the existing dwelling already infringes a notional line taken from the nearest corner of this; and that the Residential Extensions and Alterations SPD requires an equivalent degree of amenity to be secured for the neighbouring dwelling. No27 sits within a generous plot with a pool area in line with its central axis some distance from the boundary shared with the appeal site; taking into

account the fact that the crown roof would be sloping away from this neighbouring dwelling I consider, on balance, that it would not give rise to a materially greater loss of outlook to occupants of no27 than existing.

5. Concerning no 29, the proposal would bring two and a half storey built form closer to the eastern site boundary, although again this would not come further forward than its existing flank window, the rear edge of which would be approximately in line with the front of the first floor side extension. This neighbouring dwelling has patio doors on its rear elevation at ground floor level, but with a high privet hedge already intervening, the outlook therefrom would not be materially harmed by the proposal either.
6. Notwithstanding the additional height proposed, the Council has not substantiated how a significant light loss would be caused. Therefore, I consider that the scale and bulk of the existing dwelling would not unacceptably overbear or dominate the overlook from the neighbouring dwellings and their living conditions would be protected. The scheme does not conflict with policy DC61 of the London Borough of Havering's Core Strategy and Development Control Policies Development Plan Document adopted 2008, which states that planning permission will not be granted where the proposal results in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

Conclusion and Conditions

7. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
8. Other than the standard time limit condition the Council has also recommended that the development be carried out in accordance with the approved plans, and that the materials detailed in section 10 of the application form should be used. I consider that in the interest of protecting the character and appearance of the area these are appropriate conditions.
9. Furthermore the Council has also suggested 4no conditions prohibiting the creation of further flank windows; the prohibition of the use of roof areas of the garage and single storey rear extension as balconies; the proposed ensuite and landing windows to be permanently glazed with fanlight openings only; as well as the rooflight inserted on the slope adjacent to no 27 being obscurely glazed and non opening, unless the parts of the window that can be opened are more than 1.7m above the floor of the room in which it is installed. I consider these conditions are all necessary in order to protect the living conditions of the occupants of the adjacent dwellings from a loss of privacy.

C J Tivey

INSPECTOR

Schedule of Conditions

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans: WAEP-03A, WAEP-04 and WAEP05A.
3. The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 10 of the application form unless otherwise agreed in writing by the Local Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plans,) shall be formed in the flank walls of the extensions hereby permitted.
5. The roof areas of the garage and single storey rear extension shall not be used as a balcony, roof garden or similar amenity area.
6. The proposed windows to the en-suite bathrooms and landing window/stairwell as shown drawings WAEP-03A, WAEP-04 and WAEP-05A shall be permanently glazed with obscure glass not less than level 4 on the standard scale of obscurity and shall be permanently fixed shut and thereafter maintained, with the exception of any top hung fanlights where more than 1.7m above the floor of the room in which they are installed.
7. The roof light inserted on the roof slope of the dwelling house adjacent to 27 Woodlands Avenue, Hornchurch as shown on drawing WAEP-05A shall be obscure glazed, and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.