

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: 8th January 2021

Appeal Ref: APP/B5480/D/20/3256197

28 Walden Road, Hornchurch RM11 2JT

- 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 & Mrs G Mark Gunn against the decision of the London Borough of Havering Council.
 - The application Ref. P0516.20, dated 15 April 2020, was refused by notice dated 15 June 2020.
 - The development proposed is redevelopment of property by way of extensions/alterations/alter roof profile.
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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 the living conditions of the occupants of 26 Walden Road, with specific reference to outlook and sunlight.

Reasons

Character and Appearance

3. Notwithstanding the Council's site description which appears to relate to a completely different site, I found on my site visit that the appeal dwelling is located within a residential cul-de-sac predominantly comprising large detached houses of a multitude of designs and forms, many of which are built close to or adjoining their respective side boundaries.
4. The proposed extensions would be substantial, and would give rise to a complete remodelling of the host dwelling, however I consider the contribution that it would make to the street scene would be a positive one with more interest in its appearance than existing. I also noted on my visit that rear gardens are generous in the area and relatively private, with mature vegetation to the some of boundaries of the appeal site.
5. I acknowledge the Council's concerns with regards to conflict with the Havering Residential Extensions and Alterations SPD and whilst in themselves the alterations could not be described as subservient to the original dwelling, however if the proposal before me were for a new build dwelling I'm not convinced that the same arguments would apply. In totality, the remodelled

principal elevation would modernise the host dwelling and be more in tune with the general thrust of property improvements within the road. I also note the Council's concerns with regard to the impacts upon the rear garden scene, nonetheless there are no public views of this area, and whilst the rear dormer would be large, I consider overall its harm to the character and appearance of the wider area would be slight.

6. Therefore, in terms of bulk, scale and massing, I conclude that the proposal would not have a harmful impact on the character and appearance of the area in compliance with policies 7.4 and 7.6 of the London Plan (2016) which together require buildings to provide a high quality design response that has regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass.

Living Conditions

7. Whilst there are clear inaccuracies, indeed fatal errors in the description of the site by the Council, nonetheless under the heading 'Impact Upon Amenity', the officer report does accurately describe the neighbouring property to the east, namely 26 Walden Road. No26 has a single storey rear extension and a staggered rear inset at first floor level, with a window which serves a bedroom. This window is not annotated on the appellants' site plan, but notwithstanding this, the proposal would significantly increase the overall depth of the eastern elevation of no28 with two and a half storey form extending way past it.
8. The appellant highlights that the existing house already infringes a notional 45° angle from this neighbouring window, however whilst no dimensions have been given, the proximity between the window and the extension appears to be far less than 3.7m; in the absence of any diagrammatic evidence to the contrary I consider I must take a precautionary approach in the determination of this appeal. Ultimately I can only determine the plans that are before me and without an alternative design solution it would not be appropriate to impose a condition requiring revisions to the proposed scheme.
9. Due to the extension's orientation being due north west of the neighbouring dwelling, I'm not convinced that it would give rise to a material loss of sunlight (or consequent overshadowing), nonetheless it would significantly curtail the outlook from the neighbouring first floor window.
10. The appellants make references to the Council's comments concerning 122 Eastern Avenue East, however I can see no reference to this road within the Officers delegated report. There's also reference to 22 Fair Oak Gardens within the appellants' statement, but again that is not within the Council's submissions before me, neither is there reference to Parkside Avenue.
11. Notwithstanding the clear conflict and confusion between the parties, I find that the proposed extension would have a harmful effect upon the outlook from the habitable room window at first floor level to the rear of no 26. From this basis, I consider that the proposal would have a detrimental effect upon the living conditions of the occupants therein, which is contrary to policy DC61 of the London Borough of Havering LDF Core Strategy and Control Policies DPD 2008, which amongst other things, stipulates that planning permission will only be granted for development where it compliments or improves the amenity of the area, through integration with surrounding buildings, as well as being in conflict

with the National Planning Policy Framework paragraph 127 f), which seeks to create places, *inter alia*, with a high standard of amenity for existing and future users.

Conclusion

12. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR