

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/20/3246902

49 Parkstone Avenue, Hornchurch RM11 3LN

- 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 Balwinder Singh Khaira against the decision of the London Borough of Havering Council.
 - The application Ref. P1671.19, dated 5 November 2019, was refused by notice dated 20 January 2020.
 - The development proposed is for extensions and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations at 49 Parkstone Avenue, Hornchurch RM11 3LN, in accordance with the terms of the application Ref P1671.19, dated 5 November 2019 subject to the conditions set out in the schedule attached to this decision.

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 occupiers of 47 Parkstone Avenue, with specific reference to outlook, sunlight and privacy.

Reasons

Character and Appearance

3. The appeal site comprises a large two and a half storey house set in substantial grounds which is built up to the boundary with 47 Parkstone Avenue. No 47 is a detached bungalow, the main range of which is set some distance away from the shared boundary with its garage intervening.
4. The site is located within Sector 6 of the Emerson Park Policy Area as identified within its Supplementary Planning Document adopted February 2009 (SPD), which supports policy DC69 of the Havering London Borough Core Strategy and Development Control Policies Development Plan Document adopted 2008 (DPD). The SPD states that in relation to extensions to existing dwellings and the resultant space between buildings, each case will be treated on its merits, and with regard to the extent that architectural character, massing and existing landscaping are retained [sic]. In every case, the space that is retained between buildings should reflect the character of the street scene in the immediate surroundings and as a minimum requirement no part of any

extension to an existing building will be permitted to be built within 1m from an adjoining common party boundary at ground floor or 2m at first floor level.

5. Whilst there is a gap created by a pathway within the appeal site, between the built form of the host dwelling and the eastern boundary shared with 51 Parkstone Avenue, an existing single storey garage and pool room are constructed right up against the western boundary shared with 47 Parkstone Avenue.
6. I have been made aware of a previous grant of planning permission pursuant to Ref. P1061.19 whereby first floor front and rear extensions, and roof alterations to create additional accommodation were approved by the Council in October 2019. There are material differences between the approved scheme and that before me. The approved scheme provides a significant catslide roof from main ridge line down to eaves level to each side, giving it a rather top-heavy appearance that I consider is quite incongruous in its design. The current proposal would give rise to an increase in the height of the eaves to each side of approximately 1.5m (averaged out), but by virtue of the hipped roof design and lower ridge line would render it more subordinate in form to the existing dwelling, and would in keeping with its architectural character.
7. Therefore whilst I acknowledge that the scheme conflicts with the SPD, bearing in mind the existing presence of built form on the western boundary and the relatively marginal increase in height I consider that the character of the street scene would be protected. No terracing effect would be caused due to the degree of separation between the appeal dwelling as proposed to be extended and those dwellings either side.
8. I consider that by virtue of the quality of the design, the proposed development would be compatible with local massing, spacing and architectural character, consistent with surrounding plot sizes and at the very least would maintain the special character of the Emerson Park Policy Area pursuant to DPD policy DC69. The proposal also complies with DPD policy DC61 and policies 7.4 and 7.6 of the London Plan (2016) which together require development to compliment or improve the amenity and character of the area, through its appearance, materials used, and integration with surrounding land and buildings through providing a high quality design response.

Living Conditions

9. As described above, the proposal would give rise to two storey built form on the western boundary shared with no 47, but that dwelling has a garage intervening and also resides within a relatively wide plot. Through the reduction in the total height of the extensions from that previously approved, as well as taking into account the hipped roof form which would slope away from the neighbouring dwelling, combined with its relatively shallow and proportionate depth, the proposal would not be unduly overbearing upon the occupants of no 47; and neither would it give rise to a material loss of privacy to them. Furthermore by virtue of the orientation due east of no 47, I consider that any loss of sunlight and consequent increase in overshadowing would not be material, and the living conditions of the occupants of no 47 would be protected in this respect.

10. I note that there would be 2 no roof windows proposed to provide natural light to the playroom on the eastern side of the proposed roof extension, however by virtue of its height I consider that it is highly unlikely that these would give rise to any material loss of privacy of no 51 either.
11. Therefore in conclusion on this matter I consider that the proposal would protect the living conditions of the occupants of both neighbouring dwellings and it complies with DPD policy DC61, in that there would be no unacceptable loss of sunlight or loss of privacy to existing properties.

Conclusion and Conditions

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should succeed.
13. 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 all new external finishes should match those of the existing dwelling. I consider that these conditions are necessary and reasonable in protecting the character and appearance of the area.
14. Furthermore the Council also recommends the removal of permitted development rights preventing the insertion of any further first floor windows or other openings within the flank elevations and the roofs. I consider that in the interests of protecting the amenities of the neighbours that this is an appropriate and therefore reasonable condition to impose. However for the reasons that I have given above I consider that it is unnecessary to impose a condition requiring the roof lights facing no 51 to be permanently fixed or glazed with obscure glass.

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: 0918.WD.206E, 0918.WD.207E, 0918.WD.208A, 0918.WD.214B, 0918.WD.216B, 0918.WD.217A & 0918.WD.218A.
3. All new external finishes shall be carried out in materials to match those of the existing dwelling.
4. Notwithstanding the provisions of Classes A, B & C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no other window openings at first floor level or above shall be formed within the flank elevations or roofs of the extensions hereby permitted.