

# 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: 11 January 2021**

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**Appeal Ref: APP/B5480/D/20/3256789**

**1A Woodlands Avenue, Hornchurch 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 M Rashid against the decision of the London Borough of Havering Council.
  - The application Ref P0255.20, dated 20 February 2020, was refused by notice dated 3 July 2020.
  - The development proposed is for re-development of existing house by way of extensions - raise roof/internal alterations and new boundary wall.
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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 upon the living conditions of the occupants of neighbouring residents, with specific reference to privacy and outlook.

## Reasons

### *Character and Appearance*

3. The appeal site is located within a residential street comprising substantial detached houses in generous grounds, with most of different designs and forms.
4. 1A Woodlands Avenue falls within Sector 6 of the Emerson Park Policy Area, as described by its Supplementary Planning Document adopted February 2009 (SPD), which supports policy DC69 of the London Borough of Havering LDF Core Strategy and Development Control Policies DPD 2008 (DPD). General guidance within the SPD includes that no new extension to an existing building will be permitted, unless its massing and architectural character, and the resultant space between adjacent buildings, are compatible with the character of the local street scene; thereby maintaining the varied character of the Emerson Park area.
5. Detailed criteria for dealing with planning applications in each sector are also set out within the SPD, and specifically with regard to Sector 6 it states that notwithstanding that each case will be treated on its merits, no part of an extension to an existing building will be permitted to be built within 1m from an adjoining common party boundary at ground floor level or 2m at first floor level.

It then goes on to emphasise that these are minimum requirements and that in the majority of cases, the Council will expect them to be exceeded.

6. It is clear from the annotation on the submitted block plan the proposed two storey extension to the eastern side of the site would encroach up to a minimum 1m from the boundary shared with 1 Woodlands Avenue. In contrast, the appellant's statement makes reference to the closest pinch point to the eastern boundary being 1.7m and this is shown on the proposed ground floor plan, but this still quite clearly falls below the minimum standard as advocated by the SPD. Bearing in mind that this pinch point is located towards the front, it would give one the impression that the large dwelling (as proposed to be extended) had been shoehorned into the corner of the site. This would appear illogical, bearing in mind the overall expanse of the appeal site. On my site visit I noted the other developments that have gone on, including at 7 and 9 Woodlands, although I have not been provided with any detailed drawings of these to be able to inspect them in detail.
7. I accept that the current house is comparatively small compared to most housing stock on the estate, and is subservient in views to the plot that it sits on, especially appearing modest to its immediate neighbours both in Woodlands Avenue and Ardleigh Green Road. However, the resultant dwelling as extended could not be described as such and whilst I accept that there are numerous dwellings of a similar scale within the street, each case must be assessed on its own merits. The existing dwelling is of an acquired taste, nonetheless its architecture is of its time and I can only guess that historically the avenue was made up of a far greater number of dwellings of this sort of scale and design. Further I can see no reference within the first reason for refusal on a slate chimney, and it is not clear what discussions went on between the appellant and the local planning authority in seeking revisions to the proposal, but ultimately I can only determine the appeal based upon the plans that are before me.
8. With regard to the matter of the proposed wall and railings, front boundary treatments within Woodlands Avenue vary considerably, but most generally comprise of some form of wall and railings; some front gardens are open in the street whilst others are more heavily vegetated including 2 and 4 Woodlands Avenue opposite. Clearly the railings, wall and gates would be widely visible from the public highway whilst the Council stipulates that they should be lower, nonetheless there would still remain a good degree of permeability above the 1m high brick wall. I therefore consider that this boundary treatment, by reason of its design, height and position, close to the property boundary would not form an unacceptably dominant or visually intrusive feature within the street scene.
9. Notwithstanding this, having regard to the SPD and DPD policy DC69, I find that the two storey built form would be unduly close to the eastern site boundary shared with no 1, consequently it would give rise to a cramped appearance that would be detrimental to the character and appearance of the area. The proposal would also be contrary to DPD policy 61 which states that planning permission should only be granted for development which maintains, enhances or improves the character and appearance of the local area.

### *Living Conditions*

10. The third and fourth reasons for refusal imposed upon the Council's decision notice essentially comprise the same issue, that being outlook and privacy, as harm to visual amenity is a character and appearance matter as covered above.
11. The Council states that owing to the presence of new windows at first floor level there would be new views of adjacent sites, with the windows serving the bedroom adjacent to no 1 establishing a direct visual relationship of the area to the north, being the pool area of 2 Ardleigh Green Road. However as shown on the existing rear elevation there exists 1no bedroom window and whilst that is in a different location to the aforementioned one, nonetheless any views from it would be across the very end of the rear garden of no 2.
12. Notwithstanding the fact that additional windows would be proposed on the northern elevation, 2no of these would be obscurely glazed and 1no would serve a landing area, therefore only 2no of these would serve bedrooms. Bearing in mind the existence of mature trees and hedging within the southern boundary of this neighbouring property I consider, on balance, that any increase in overlooking from the appeal dwelling as extended would not be significant. On balance I consider the proposal would not have detrimental effect upon the amenities of the adjacent occupiers of the proposed development.

### **Conclusion**

13. However, having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR