



Appeal Decision

Site visit made on 3 December 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021.

Appeal Ref: APP/B5480/D/20/3257433

62 Marks Road, Romford RM7 7AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss Vanessa Taylor against the decision of the Council of the London Borough of Havering.
 - The application Ref P0600.20, dated 3 May 2020, was refused by notice dated 29 June 2020.
 - The application sought planning permission for a single storey rear extension without complying with a condition attached to planning permission Ref P0352.19, dated 21 May 2019.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).
 - The reason given for the condition is: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 62 Marks Road, Romford RM7 7AH in accordance with the application Ref P0600.20, dated 3 May 2020, without compliance with condition number 2 previously imposed on planning permission Ref P0352.19, dated 21 May 2019, 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: 2018-696/100 V2, 1B (side view), 1C (garden view)
 - 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
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Main Issue

2. The main issue is the effect of removing the disputed condition on the living conditions of the occupants of neighbouring properties with regard to outlook, light and overbearing impact.

Reasons

3. The appeal site consists of a two-storey, mid-terrace dwelling a high-density, urban situation. The surrounding area is predominantly residential in nature although there is a public recreation ground on the opposite side of Marks Road.
4. The appellant has submitted a set of revised plans that show a reduction in the rearward projection of the extension, from 5.28 metres originally to 4.25 metres. The sectional garden drawing indicates that the ground level of the extension would be engineered some 0.5 metres lower to match the ground level of the existing single-storey rear addition at no. 60 Marks Road immediately adjacent. As revised plans scale back the proposals slightly, compared to the original plans, I do not see that any party would be prejudiced by their acceptance on this occasion. I have, therefore, taken the amended drawings into account within the determination of this appeal.
5. I note that the rearward projection of the appeal scheme would be in excess of the advice set out in the London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD). Nevertheless, the proposed engineering would mean that the height of the addition would be minimised and only a small section of the flank wall would project above the boundary. As such, the extension would not appear dominant or detrimentally affect the living conditions of the occupants of the neighbouring properties in respect of outlook and light.
6. I am satisfied that there would be no conflict with policy DC61 the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 or the SPD, which require new development to have regard to the overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

Conditions

7. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. I also impose a conditions requiring the materials to match those on the existing house to ensure that the external appearance of the proposal is satisfactory and restricting the use of the flat roof as an amenity area to protect the living conditions of the occupants of surrounding houses.
8. I consider that a condition restricting windows in the flank walls of the extension would not be necessary as such openings would either face directly towards the side wall of the existing addition at no. 60 or the boundary fence with no. 64.

Conclusion

9. Given my reasoning above, I allow the appeal.

C Hall

INSPECTOR