



Appeal Decision

Site visit made on 14 January 2020

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2021

Appeal Ref: APP/B5480/W/20/3255524
219 Crow Lane, Romford RM7 0HA

- 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 Lighthouse Care against the decision of London Borough of Havering.
 - The application Ref P1057.19, dated 25 June 2019, was refused by notice dated 12 June 2020.
 - The development proposed is conversion of existing outbuilding to an annexe at rear of property.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing outbuilding to an annexe at rear of property at 219 Crow Lane, Romford RM7 0HA in accordance with the terms of the application, Ref P1057.19, dated 25 June 2019, 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: D01; D09; ZAAVIA/219CL/101 Issue A; ZAAVIA/219CL/102 Issue A; and ZAAVIA/219CL/103 Issue A.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the side elevations of the building.
 - 4) The garden area shall not be subdivided at any time and no gates or walls should be erected to divide the site nor there be any additional pedestrian accesses into the site.
 - 5) The annexe hereby permitted shall not be arranged or disposed of as a separate unit of residential accommodation from the use of the main dwelling.
 - 6) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of No.219 Crow Lane, Romford and specifically not as separate living accommodation or any form of commercial or industrial purpose.

Procedural Matter

2. I have taken the description of development in the banner heading above from the Council's decision notice because Part 3 of the planning application form was left blank. The description accurately describes the proposals before me and has been used by the appellant at Part E of the appeal form.

Main Issue

3. The main issue is the effect of the proposed use on the living conditions of nearby occupiers with regards noise and disturbance, overlooking and privacy.

Reasons

4. The existing single-storey outbuilding is located at the end of the rear garden of No.219 Crow Lane (No.219), a two-storey end of terrace house. In June 2020, a Certificate of Lawful Use (E0009.20) confirmed that the use of No.219 for living accommodation for three unrelated adults as supported living accommodation and one member of staff staying overnight fell within Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The outbuilding is shown on the existing drawings as a laid out as a bedroom, kitchen/diner and separate shower room however it was granted planning permission retrospectively as a gym and children's playroom.
5. The proposal is for the change of use of the outbuilding to an annexe. The Council's decision was not made on proposed floorplans but the appellant's case is that the annexe would provide a sitting room, bedroom, store and shower room for use by a member of staff for sleeping, changing and showering away from, but wholly ancillary to, the main house and supported living accommodation.
6. The consented use as a gym and children's playroom would result in a degree of general noise and disturbance, for example the playing of music, dropping of weights and children's voices and laughter. I would expect the use of the outbuilding as sleeping accommodation for a member of staff will increase the frequency of its use, with regular movements between the outbuilding and the house particularly during the morning and evening. I am not persuaded, however, that the frequency of the proposed use would translate into a significant intensification of use. There would be some noise associated with the comings and goings from the annexe, notably the opening and closing of doors, and more general activity to the rear of the garden. However, this would not result in an increase in the level or duration of noise and disturbance over the consented use or that typically associated with a house of this size. Nor would it be to such an extent to cause harm to the living conditions of neighbours.
7. The outbuilding is single aspect with two windows and patio doors set behind a full width canopy. No external alterations are proposed. The rear elevation of No.217 Crow Road (No.217) aligns with No.219 and although directly facing the windows of both houses, there is both a reasonable distance between the two and a close boarded fence along the common boundary with No.217. There would therefore be no direct overlooking from the bedroom window of the annexe, closest to the shared boundary, to the rear windows of No.217.
8. The orientation of the outbuilding means that the windows to the rear of No.221 Crow Road would be at an obtuse angle. Although closer to the existing

outbuilding than No.217 and No.219, the house is separated by two close boarded fences that run parallel to an alleyway providing access to the rear. As a result of this, and the single storey height of the outbuilding, there would be no overlooking such that it would result in loss of privacy to either No.221 or the annexe itself.

9. Consequently, the proposed use as an annexe would accord with Policy DC61 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) because it would not result in the loss of privacy or an unreasonable adverse effect on neighbours by reason of noise impact. It would also be consistent with the guidance in the *Residential Extension and Alterations Supplementary Planning Document (2011)* which allows conversions of an outbuilding to an annexe where there is a clear connection with the main dwelling.

Conditions

10. I have considered the conditions suggested by the Council against the tests in the National Planning Policy Framework and made slight amendments in the interests of clarity.
11. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the submitted plans. The plans submitted are 'as existing' only but nonetheless provide certainty as to the building to which the change of use relates.
12. A condition has also been included, as requested by the Council, to ensure that no further windows are formed in the flank or side elevations of the annexe without prior permission. This is necessary to ensure that there is no loss of privacy to the occupiers of the neighbouring houses at No.217 and No.221 Crow Lane.
13. I have included conditions that prevent the subdivision of the garden, the creation of an additional pedestrian access and the arrangement or disposal of the outbuilding as a separate unit, which would preclude a kitchen or kitchenette being provided. These conditions are necessary to ensure the annexe remains as sleeping and living accommodation that is ancillary to the main house and supported living accommodation.
14. For the same reason, a condition that restricts the occupation to purposes ancillary to the main house and prevents its use as separate living accommodation is necessary. Finally, because the house is lawfully occupied by three unrelated adults, I have not imposed a condition, as suggested by the Council, that limits any occupation to immediate family members.

Conclusion

15. For the reasons above, the appeal is allowed.

R. Jones

INSPECTOR