



Appeal Decision

Site visit made on 21 January 2021

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021.

Appeal Ref: APP/B5480/D/20/3260898

1 Banyards, Hornchurch RM11 2QJ

- 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 Zubair Latif against the decision of the Council of the London Borough of Havering.
 - The application Ref P0963.20, dated 7 July 2020, was refused by notice dated 1 September 2020.
 - The development proposed is the erection of a two storey side extension, two storey rear extension, first floor side extension, single storey front extension, change of roof profile, raising the roof ridge, loft conversion with front and rear dormers, change of outer finish from brick facing to K-render, changes of fenestration, changes to front porch, and new front balconies.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - the living conditions of occupiers of adjacent properties, with particular regard to overlooking, loss of outlook and overbearing impact; and
 - the character and appearance of the area.

Reasons

Living Conditions

3. The appeal proposal would involve the two storey element of the appeal property being closer to the south-western boundary of the site than it is at present, and extending further back. This would result in the substantial proposed two storey side elevation being within a metre of the boundary with 11 Nelmes Way.
4. That property has a relatively shallow plot, with a rear garden less than 15 metres deep, meaning that the boundary between No 11 and the appeal site is a prominent feature when seen from the rear windows and rear garden of No 11. That boundary is currently marked by an approximately 2 metre high brick wall topped by a substantial growth of ivy. However, the proposed side elevation of the extended appeal property would rise several metres above that, and stretch down the boundary with No 11 by a considerable distance

- beyond the rear of that house's garage. That would appear as an unduly oppressive feature, and result in an unacceptably overbearing impact, when viewed from the rear rooms and rear garden of 11 Nelmes Way.
5. The occupiers of No 11 have also expressed concern that windows could be inserted into the extended side elevation of the appeal property, under permitted development rights, which could overlook their house and garden. However, no such windows are proposed, and a condition could be imposed on any permission removing permitted development rights for the insertion of windows in that side elevation of the extension.
 6. The majority of the proposed two storey element of the extension on the north-eastern side of No 3 would be set back from the boundary with No 3, and the only proposed new window facing in that direction would light an en suite shower room, and could be conditioned to be glazed with obscure glass. As a result, I do not consider that the appeal proposal would appear unduly oppressive when seen from No 3 (either as existing or if the permitted replacement dwelling on that site is built out), or that any unacceptable overlooking would result.
 7. Notwithstanding my conclusions that the appeal proposal would not cause harm to the living conditions of occupiers of No 3, or cause overlooking of 11 Nelmes Way, this is outweighed by my conclusion that the proposed two storey extension close to the boundary with No 11 would appear as unduly oppressive when viewed from that property.
 8. I conclude that the proposed development would harm the living conditions of the occupiers of 11 Nelmes Way, contrary to Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (DPD) in this respect. In relation to this main issue, this policy says that planning permission will not be granted where the proposal results in unacceptable overshadowing between developments.

Character and appearance

9. The appeal site is located within the Emerson Park Policy Area, which is covered by a Supplementary Planning Document (SPD) adopted in 2009. Amongst other things, this says that *"No new building or 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"*.
10. The appeal site is located within Sector 2 as defined in the SPD, which says that this sector contains *"in the main medium sized family houses"*. However, the area around the appeal site, in Banyards and on Nelmes Way, is characterised by very large, detached houses, many of which appear to be replacement dwellings, and many of which come close to filling their plot from one side to the other. These nearby dwellings vary considerably in design and in the materials from which they are constructed. A replacement dwelling permitted at 3 Banyards would continue this pattern. Overall, the predominant character of the area around the appeal site is of very large, individually designed, two storey dwellings (some with an additional storey in the roofspace), coming close to the boundaries of the plot on either side.

11. The proposed extensions to the appeal property would result in it coming up to, or very close to, the boundary on either side, and would produce an imposing substantial house within the street scene. However, having regard to the prevailing character in the immediate area, it would not appear out of place amongst its neighbours.
12. I conclude that the proposed development would not have an unacceptably adverse effect on the character and appearance of the area, and would comply with Policy DC61 of the DPD in this respect. Amongst other things, this policy requires development to respond to distinctive local building forms and patterns of development and to respect the scale, massing and height of the surrounding physical context.

Conclusions

13. I have concluded that the proposed development would not have an unacceptable effect on the character and appearance of the area. However, I have also concluded that the proposed development would have an unacceptable effect on the living conditions of the occupiers of an adjacent property. This outweighs the lack of other harm and, for the reasons given above, I conclude that the appeal should be dismissed.

Michael J Muston

INSPECTOR