



Appeal Decision

Site visit made on 26 February 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/B5480/W/20/3258946
57 Osborne Road, Hornchurch RM11 1EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr C Aulluck against Council of London Borough of Havering.
 - The application Ref P.1841.19, is dated 3 December 2019.
 - The development proposed is described as 'proposed granny annex in rear garden.'
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Decision

1. The appeal is allowed and planning permission is granted for proposed granny annex in rear garden at 57 Osborne Road, Hornchurch RM11 1EX in accordance with the terms of the application, Ref P.1841.19, dated 3 December 2019, and the plans submitted with it, 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: 19-142/01, 19-142/02; and 19-142/03.
 - 3) All new external finishes shall be carried out in materials to match those of the existing buildings on Thorncroft to the satisfaction of the Local Planning Authority.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no extensions, outbuildings, walls, fences or other means of enclosure shall be erected unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
 - 5) The garden area shall not be subdivided at any time.
 - 6) Any residential occupation of the building hereby approved shall be limited to immediate family members of the family occupying the main house at 57 Osborne Road for residential purposes and shall not be occupied by any other persons.
 - 7) The annex hereby permitted shall not be arranged or disposed of as a separate unit of residential accommodation from the use of the main dwelling.

Application for costs

2. An application for costs was made by Mr C Aulluck against the Council of the London Borough of Havering. This application is the subject of a separate Decision.

Main Issues

3. From the evidence I have before me, I consider the main issues in this case to be the effect of the proposed annex on:
 - the character and appearance of the surrounding area; and
 - the living conditions of No.37 Thorncroft, with particular regard outlook and loss of light.

Reasons

Character and appearance

4. No.57 Osborne Road (No.57) is a large detached 2-storey house with a reasonably sized garden that extends to Thorncroft, a cul-de-sac to the rear. No.57 has existing vehicular access from Thorncroft via double gates to an area of hardstanding. The proposed annex would replace this and an existing outbuilding abutting the rear boundary.
5. The guidance for annexes in the Council's *Residential and Extensions Supplementary Planning Document (2011)* (SPD) is that the layout, design and physical relationship between the host house and the proposed annex are important considerations, and the proposed annex must demonstrate a clear connection with the main dwelling. The annex totals around 41sqm, arranged with an open kitchen, living and dining area and separate bedroom and bathroom. I do not find this to be a disproportionate size for an annex and it would provide a good standard of living accommodation for two people, in this case the elderly parents of the appellant. It is accepted by the Council that a planning condition could be used to ensure that the use of the annex remains ancillary to the host house and is not used independently. The annex would therefore have a clear functional connection and relationship with No.57.
6. The annex has been designed so that the principal elevation to the annex is to Thorncroft where there would be a door to a porch area and a single off-street parking space. The proposed plans show the annex to be open to Thorncroft, save a small section of retained fence along the common boundary with No.37 Thorncroft. Because of its location and layout, the annex would appear as a separate, detached bungalow that forms part of Thorncroft. However, the main living, dining and kitchen area of the annex with sliding doors has been orientated toward the modest garden that would be shared with No.57. There would therefore be a close physical and layout relationship between the host house and the annex. As such, I find no significant conflict with the guidance in the SPD.
7. The south side and head of the cul-de-sac of Thorncroft is characterised by modest sized bungalows with traditional pitched roofs set behind small front gardens or areas of car parking. I saw from my site visit that there is an overall uniformity to the bungalows, which are set on a similar building line and are evenly spaced. The proposed annex would be single storey and its design

features, such as the pitched roof and window proportions, would complement the neighbouring dwellings. Although it would be located closer to the back edge of the pavement than the neighbouring bungalow at No.38 Thorncroft, it would be narrower in width and would therefore maintain the characteristic spacing between dwellings. It would not appear as an uncharacteristic intrusion in the rear garden of No.57 but would assimilate well with the street scene of Thorncroft.

8. Consequently, I find the proposed annex would not have an adverse effect on the character and appearance of the area. There would therefore be no conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (2008) (CS) which requires, amongst other things, development to complement or improve the amenity and character of the area through its appearance and layout. It would also meet the guidance at paragraph 127 of the National Planning Policy Framework that development is sympathetic to local character.

Living conditions

9. The proposed annex would be sited at right angles to No.37 Thorncroft (No.37) which, as I saw from my site visit, has windows on its front elevation. The window that would be closest to the annex is to a bedroom. The flank elevation of the annex would broadly align with the front elevation of No.37 but would be offset by a reasonable distance and the existing boundary fence would be retained. Given the relative orientation of the two buildings, the annex would be viewed at an oblique angle from the front windows of No.37. This would result in change to the outlook, but the windows would nonetheless retain their generally open aspect to Thorncroft. The proposed annex would not therefore appear overbearing and would not cause substantive harm to the living conditions of the occupiers of No.37 by reason of loss of outlook.
10. The evidence provided by the appellant shows that the annex would infringe the 45 degree angle from the closest bedroom window of No.37. As a consequence, there would be some loss of daylight to this room, but all other windows on the front elevation would be unaffected. The appeal site is currently enclosed by a close boarded timber fence and double gates. These are shown on the proposed plans (19-142/03) to be retained on the common boundary of No.37. Although extending above the height of the fence by around 600mm, the height to the eaves of the annex would be modest. For these reasons, I do not find there would be a material change to daylight or sunlight experienced by occupiers of No.37 such that it would cause harm to living conditions.
11. Consequently, I find the proposed development would not have an adverse effect on the living conditions of the neighbours at No.37. It does not therefore conflict with Policy DC61 in so far as it requires development to not result in unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

Other Matters

12. I understand the concerns of neighbours living on Thorncroft in respect of traffic generation and parking. However, there is an existing vehicular access to the rear of No.57 Osborne Road and given the scale and nature of the proposed annex, ancillary to the main house, there would not be a significant increase in

vehicle movements or parking to the detriment of highway safety or living conditions.

Conditions

13. 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. In addition to the standard time period for commencement of the development, in the interests of certainty, a condition is necessary to ensure the development is carried out in accordance with the approved plans. A condition requiring the use of materials to match the existing buildings on Thorncroft is also necessary to ensure an appropriate appearance of the annex.
14. A condition has also been included to ensure no extensions, outbuildings, walls or fences are constructed without prior permission. This, and a restriction on the subdivision of the garden, are necessary to ensure the annex remains of an appropriate scale and ancillary to the main house. As there is existing vehicular and pedestrian access to Thorncroft, I do not consider it necessary to prevent further access and the Council's suggested condition has been amended accordingly.
15. As requested by the Council, I have included conditions that restrict the occupation of the annex to immediate family members of No.57 and prevent its disposal as a separate unit of accommodation. These conditions are necessary to ensure the annex remains ancillary to the main house.

Conclusion

16. For the reasons given above, I conclude the appeal should be allowed.

R. Jones

INSPECTOR