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# Appeal Decision

Site visit made on 25 May 2021

**by M Philpott BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> May 2021**

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**Appeal Ref: APP/B5480/W/20/3262115**

**23 Fairview Avenue, Rainham RM13 9RL**

- 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 and Mrs Allen against the decision of the Council of the London Borough of Havering.
  - The application Ref P1183.20, dated 20 August 2020, was refused by notice dated 19 October 2020.
  - The development proposed is single storey side and rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extension at 23 Fairview Avenue, Rainham RM13 9RL in accordance with the terms of the application, Ref P1183.20, dated 20 August 2020, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan/Block Plan; T374/20/3; T374/20/4.

## Procedural Matter

2. The London Plan 2021 was published after the appeal was made. It replaces the London Plan 2016 and forms part of the development plan. The appellant and the Council have thus been provided with an opportunity to comment on any implications of this to the appeal.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The appeal site includes a bungalow and an attached garage that together extend across much of the width of the plot at 23 Fairview Avenue. The area is characterised by residential properties which are set back from the highway in fairly consistent building lines but vary in age, size and design.

5. The proposed extension would be a substantial addition to the bungalow as a result of its depth. However, it would comprise a single storey and therefore be subordinate. Furthermore, views of the development to the front of the site would be very limited and thus it would not be visually intrusive.
6. The properties in the vicinity do not have uniform rear elevations. Projections of varying depths are evident and a sizeable one to the rear of the adjacent property at 21 Fairview Avenue is notable. Whilst some of the extensions in the area may have been constructed prior to the adoption of the Council's current development plan and planning guidance, these nonetheless form part of the area's character. For these reasons the proposal would not appear incongruous but maintain the character and appearance of the area.
7. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) sets out that, as a general rule, up to 4m deep extensions are appropriate for detached properties. However, it provides flexibility for larger extensions where reasonable living conditions for the occupiers of neighbouring properties are secured. Having regard to the limited height of the extension, there would not be significant impacts on the neighbours' living conditions. Moreover, the proposal would maintain the character and appearance of the area in any event. The proposal thus accords with the SPD.
8. The proposal would maintain the character and appearance of the area. It accords with Policy DC61 of the Council's Core Strategy and Development Control Policies Development Plan Document, which sets out that permission will only be granted for proposals that maintain, enhance or improve the character and appearance of an area. The decision notice refers to Policies 7.4 and 7.6 of the London Plan 2016, which sought to protect local character and encourage high quality design. Policies D3 and D4 of the London Plan 2021 relate to similar matters. For the above reasons, I find no conflict with them.

### **Conditions**

9. In addition to the standard time limit condition, a condition to require the development to be carried out in accordance with the approved plans is needed in the interests of certainty. A condition to require the external materials of the extension to match the existing building is necessary in the interests of the character and appearance of the area.
10. The Council suggests conditions that would prevent the insertion of openings into the side elevations of the extension by means of permitted development rights. However, fencing at the site's boundaries would prevent harm to the neighbours' living conditions due to the extension's height. The Council also recommends a condition to prevent the roof of the extension from being used as an amenity area. However, the bungalow lacks a first floor and thus I have no compelling reasons to find that the extension's roof would be used for such purposes. Both of these conditions are therefore unnecessary.

### **Conclusion**

11. The appeal is allowed subject to the conditions identified.

*Mark Philpott*

INSPECTOR