



Appeal Decision

Site visit made on 26 February 2021

R Jones BA(Hons)DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/B5480/D/20/3263375
106 Mildmay Road, Romford RM7 7BU

- 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 Bob Harding against the decision of Council of London Borough of Havering.
 - The application Ref P0954.20, dated 6 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 106 Mildmay Road, Romford RM7 7BU in accordance with the terms of the application, Ref P0954.20, dated 6 July 2020, 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: Site Location Plan; 200 222 04; and 200 222 05.
 - 3) The proposed development hereby approved shall be constructed in accordance with the materials detailed under Section 5 of the application form unless otherwise agreed in writing by the Local Planning Authority.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific 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 roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Preliminary Matter

2. In March 2021, after the main parties had submitted their statements, the Mayor published The London Plan 2021 (LP). It comprises the spatial development strategy for London and forms part of the development plan. The LP replaces all earlier versions. Policy D3 the LP, which relates to a design-led approach to development, is similar to its predecessor, Policy 7.4. As this policy has not significantly altered through the plan making process, I have proceeded to determine the appeal on the submitted evidence.

Main Issues

3. The main issues are the effect of the proposed rear extension on the character and appearance of the surrounding area and the living conditions of neighbours at No.108 Mildmay Road, Romford.

Reasons

Character and appearance

4. No.106 Mildmay Road (No.106) is a Victorian two-storey semi-detached house with a reasonably long garden. To the rear, it has an original two-storey outrigger with a steep mono-pitched roof. The proposed single-storey rear extension would wrap around the original outrigger extending around 7.95m along the side return and around 4m from the rear elevation of the outrigger. The guidance in the Council's *Residential Extensions and Alterations Supplementary Planning Document (2011)* (SPD) is that, as a general rule, semi-detached houses can be extended from the rear wall of the original dwelling by 4m. The extension meets this guidance in so far as it relates to the rear wall, but the SPD does not envisage a scenario where an extension wraps around an original outrigger. It does, however, recognise that the acceptable depth of a rear extension will depend on a number of site-specific characteristics including plot width, size and shape, size of dwelling and size and usability of the garden.
5. Although a total of around 7.95m in depth, the proposed extension would be narrow in width as it fills the side return and is well offset from the boundary aligning with the original flank elevation of the house. The extension has been designed with a flat roof with a modest height of around 2.8m and a higher lantern rooflight that is set well in from the edge of the roof. Despite the depth of the extension, No.106 would still retain a reasonable length and size of garden. The proportions and the design of the extension therefore mean that it would not appear disproportionate in footprint or scale to the host house or plot. Whilst there would be some conflict with part of the SPD guidance, I find the depth of the extension acceptable given the site-specific characteristics.
6. The proposed extension would be visible from the rear gardens of neighbouring houses, but it would be viewed in the context of other houses on the northern side of Mildmay Road which have been subject to alterations and extensions, some comparable in depth. The extension would appear a well-proportioned and designed addition that would assimilate well with its surroundings rather than appear visually intrusive.
7. For these reasons, I find the proposed extension would not result in harm to the character and appearance of the surrounding rear garden environment. There would therefore be no conflict with LP Policy D3 and Policy DC61 of the

Council's Core Strategy and Development Control Policies Development Plan Document (2008) (CS) in so far as they require development to positively respond to existing character, local distinctiveness and patterns of development and respect the scale, massing and height of the surrounding physical context.

Living conditions

8. The non-adjoining neighbour at No.108 Mildmay Road (No.108) is a mirror image of No.106. It has a similar original outrigger but with a single-storey flat roofed extension to the rear. The proposed extension would be set off the boundary with No.108 but fills the side return. I saw from my site visit that there is a ground floor window on the rear elevation of No.108 and a window and door on the side elevation of the outrigger facing No.106. There are no windows on the side elevation of the single-storey rear extension to No.108.
9. The proposed extension would be visible over the common close boarded fence for the length of the side return of No.108. However, the low profile of the extension with a height of 2.8m, only around 1m higher than the fence, means that it would not appear overbearing or dominate the side return or garden of No.108. Although there would be some sense of enclosure on the common boundary, the extension would not appear a 'wall of development' as suggested by the Council, and views from the rear of No.108 would remain generally unobstructed over the side return and garden.
10. I have been provided with no substantive evidence to demonstrate that the proposed extension would cause overshadowing or loss of natural night. However, the proposed extension would be offset from the common boundary separated from No.108 by the side access to both houses and the existing close boarded fence, which already casts some shade over the rear of No.108. Given this, the proposed extension is unlikely to materially reduce the amount of sunlight and daylight reaching the windows and side return of No.108 such that it would affect the occupiers' enjoyment of their property.
11. Consequently, I find the proposed extension would not cause harm to the living conditions of the neighbours at No.108 Mildmay Road. There would therefore be no conflict with CS Policy DC61 because there would be no unacceptable overshadowing, loss of sunlight/daylight, overlooking or loss of privacy to existing properties.

Conditions and Conclusion

12. In addition to the statutory commencement condition, the Council suggests conditions to ensure the extension is built in accordance with the approved plans and using materials specified on the planning application form. I agree that these are necessary for the avoidance of doubt and to ensure an acceptable appearance of the extension. I also agree that, in the interests of the living conditions of the neighbouring, it is necessary to attach conditions which preclude windows in the flank elevation of the extension or the use of its flat roof as a balcony, without prior approval.
13. For the reasons given above, the appeal is allowed.

R. Jones

INSPECTOR