



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: 18 June 2021

Appeal Ref: APP/B5480/D/20/3264771

3 Herbert Road, Hornchurch RM11 3LA

- 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 Al-Sami against the decision of Council of London Borough of Havering.
 - The application Ref P1025.20, dated 22 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is first floor side and rear extension and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In March 2021, after the main parties had submitted their statements, the Mayor published The London Plan 2021 (the London Plan). It comprises the spatial development strategy for London and forms part of the development plan. The London Plan replaces all earlier versions. Policy D3 of the London Plan, 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 this appeal on the submitted evidence.
3. The description of development in the banner heading above has been taken from the Council's decision notice and the appeal form as it more accurately describes the application before me than the description provided in part 4 of the planning application form.

Main Issues

4. The main issues are the effect of the proposed extension on: the character and appearance of the area; and the living conditions of the neighbours at No.1a Herbert Road.

Reasons

Character and appearance

5. No.3 Herbert Road (No.3) is a large attractive two-storey house on the northern side of Herbert Road, within the Emerson Park Policy Area. The house is characterised by a gable pitched roof with four dormers and a front bay balcony.

6. Herbert Road is identified as within Sector 6 of the Emerson Park Policy Area. This Sector is described in the *Emerson Park Policy Area Supplementary Planning Document (2009)* (SPD) as being 'particularly typified by medium and large dwellings in spacious well landscaped grounds.' I saw from my site visit that part of the character of Herbert Road is derived from the generous spacing of dwellings and this is particularly the case for Nos.3, 5 and 7 Herbert Road which, individually and collectively, make an important and positive contribution to the streetscene.
7. The proposed first floor side and rear extension would be adjacent to No.1a Herbert Road constructed over an existing single storey element of the house that extends to the common boundary. No.1a Herbert Road itself is a large detached house with a projecting gable set close its boundary with No.3. Because of this proximity, the existing visual gap at first floor, with trees in the rear garden visible between the dwellings, is particularly important to the spacious character of the area.
8. The first-floor extension would have a steep roof slope and velux window providing light to an ensuite bathroom. Its ridge height would be lower than the main house and it would not extend the full width of the ground floor, being offset from the common boundary by a minimum of around 1.3m. Despite this, the side extension would all but fill the important visual gap I have identified at first floor. It would also fall short of the guidance in the SPD that, as a minimum requirement, no part of an extension at first floor should be built within 2m of a common boundary.
9. I saw from my site visit that the views of the side extension would to an extent be screened by the existing mature landscaping, including a large conifer tree, on the boundary with No.1a Herbert Road. However, the extension would still be visible within the street scene and the loss of the characteristic spacing would be discernible. By all but filling the visual gap, the resulting relationship between No.1a and No.3 would appear cramped and the limited offset from the ground floor somewhat contrived. The proposal would therefore conflict with the guidance in the Council's *Residential Extensions and Alterations Supplementary Planning Document (2011)* (Residential SPD) that side extensions should be carefully designed so they do not interrupt the rhythm or detract from the open spacious character of an area.
10. Due to its location close to the corner of Yevele Way, the rear of No.3 is visible between dwellings from this location. The guidance in the Residential SPD is that in exceptional local circumstances, rear extensions of a greater depth up to a maximum of 4m may be acceptable where sympathetic to the character of the area. Whilst exceeding this guidance, No.3 already has a large footprint and reasonable depth at ground floor and the rear extension would not be disproportionate to the host house. The rear extension would be built over part of an existing flat roofed kitchen and dining extension and the proposed projecting gable, hipped roof and use of a cream render to match the existing, would result in a cohesive appearance to the rear elevation. I do not therefore find that the proposed rear extension would harm the character and appearance of the rear garden environments.
11. The appellant has drawn my attention to the previous planning history of the site. In January 2019, planning permission was granted for a first-floor rear extension with 2no. rear dormers and a Juliette balcony (ref. P1677.18). The

approved drawings (17-386 03 rev A and 04 rev A) show a first-floor extension over part of the existing rear flat roofed extension. Unlike the proposal now before me, this did not extend the flank elevation of the house closer to the common boundary with No.1a or result in changes to the appearance of the house from Herbert Road. Consequently, it would not result in the harm I have identified to the character and appearance of the street scene.

12. I note that the earlier planning permission of June 2000 (ref. P0484.00) shows a side extension similar to that now proposed, but narrower in width. I do not have any evidence before me regarding the planning policy context against which this application was determined, but I note that it predates the SPD, Residential SPD and the policies in the Council's Core Strategy and Development Control Policies Development Plan Document (2008) (CS). I therefore find this permission adds little in support of the case now before me.
13. In conclusion, I find the proposed side extension would cause harm to the character and appearance of the street scene. Consequently, in addition to the conflict I have found with the SPD and Residential SPD, the proposal would conflict with CS Policy DC61 and DC69 in so far as they require development to respond to patterns of development and enhance or improve the character and appearance of the local area, including the special character of the Emerson Park Policy Area. It would also conflict with London Plan Policy D3 which seeks to deliver buildings that positively respond to local character.

Living conditions

14. Although set on a similar front building line, No.1a Herbert Road (No.1a) has a shallower depth of footprint than its neighbour at No.3. Overall, the proposed two-storey rear extension would project around 7.9m beyond the rear elevation of No.1a. The extension has been designed with a hipped roof over much of its length and although this serves to minimise its height, it would nonetheless introduce a substantial, blank elevation close to the common boundary. Given this scale, massing and particularly proximity it would appear overbearing, dominating the outlook from the rear of No.1a Herbert Road.
15. Because of the orientation of the proposed extension to the north of No.1a, I am not persuaded, nor do I have any evidence before me, that it would result in loss of light to the rear windows of No.1a such that it would cause harm to the living conditions of its occupiers.
16. On this main issue, I conclude that the proposed rear extension would cause harm to the living conditions of the occupiers of No.1a by reason of loss of outlook. It would, therefore, conflict with CS Policy DC61 because it fails to complement or improve the amenity of the area through its layout and integration with surrounding buildings. It would further conflict with the guidance in the Residential SPD which requires that consideration be given to maintaining a reasonable outlook from adjoining properties.

Conclusion

17. For the reasons given above, the appeal is dismissed.

R. Jones

INSPECTOR