



Appeal Decision

Site Visit made on 14 July 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/B5480/D/20/3262587

28 Maple Avenue, Upminster RM14 2LE

- 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 & Mrs Healy against the decision of London Borough of Havering.
 - The application Ref P1225.20, dated 27 August 2020, was refused by notice dated 23 October 2020.
 - The development proposed is conversion of roof space to habitable use to include a rear dormer and 3 front rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of roof space to habitable use to include a rear dormer and 3 front rooflights at 28 Maple Avenue, Upminster RM14 2LE in accordance with the terms of the application, Ref P1225.20, dated 27 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 development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Plans, Sections and Elevations Drawing No RM14-2LE-28-01D.

Preliminary Matters

2. The description of development in the banner heading and my decision above is taken from the Council's decision notice. While the appeal form indicates that the description had not changed from that stated on the application form, the above description, which accurately describes the development, was nevertheless entered on the appeal form and I have determined the appeal on that basis.
3. On 2 March 2021 the London Plan 2021 was published, replacing the London Plan 2016. The parties were provided with an opportunity to comment on its relevance to this appeal. I have taken any subsequent comments received into account in my consideration of this appeal.
4. The Council raises no objection to the proposed roof lights; its concern is with the proposed loft conversion, which would comprise a large box dormer within the rear roof slope. I have dealt with the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and the area.

Reasons

6. The appeal property is a semi-detached dwelling situated within a residential area. It has been previously extended by the creation of a first floor side extension over the attached garage, with a gable end roof. This extension is stepped back and down from the hipped roof of the original dwelling.
7. The proposed dormer has been designed so that it would not span the whole width of the rear roof slope. The sides of the dormer would be stepped in from the gable end and from the party wall. The eaves of the main roof would be unbroken with the dormer sitting slightly above the eaves and below the ridge line of the main roof. As a result, the proposed dormer would appear well contained within the roof. This would be consistent with the guidance set out in the Council's adopted Supplementary Planning Document Residential Extensions and Alterations 2011 (SPD).
8. The SPD also advises that dormer windows should normally be located facing the rear garden so that they are not visible from the street and do not harm the appearance or character of the original house. As the gap between the appeal building and its unattached neighbour, 30 Maple Avenue (No 30), is quite small, only limited glimpses of the side of the proposed dormer would be available from within the street. The proposal would not result in harm to the character or appearance of the street scene or to the original character of the building which would be preserved.
9. From within the rear garden of the appeal site I was able to see other similarly sized dormers on the rear roof slopes of other dwellings within Maple Avenue. Whilst I am not aware of the planning history of those developments, the appeal proposal would not be the first such dormer within this line of houses. In this context and given the general conformity of its design with the SPD guidance, the proposal would not appear dominant or visually intrusive. Furthermore, views of the proposed development from neighbouring gardens would be mostly limited to immediate neighbours and would be partially obscured by intervening garden landscaping features. As such the proposal would not result in harm to the visual amenity of the occupiers of nearby properties.
10. Consequently, I conclude that the proposed development would not have a harmful effect on the character and appearance of the host property or the area. Thus, it would comply with Policy DC61 of the Council's Core Strategy and Development Control Policies Development Plan Document 2008, Policies D3 and D4 of the London Plan 2021 and the aims of the SPD, which together and amongst other matters, seek to secure high quality design.

Other Matters

11. My attention has been drawn to a previous dismissed appeal at the site. I was not provided with the plans for that proposal. Nevertheless, from the evidence provided, it is clear that the case before me is not directly comparable to the dismissed case. That scheme proposed a hip to gable conversion which would have significantly altered the appearance of the front of the dwelling. In

addition, the rear dormer in that case was proposed to extend across the whole of the rear roof slope. I am satisfied that the matters of concern raised with the earlier proposal have been adequately addressed and that the previous appeal decision does not preclude, alter or outweigh my conclusion on the main issue in the appeal before me.

Conditions

12. The Council has suggested conditions which I have considered against the advice in the National Planning Policy Framework (the Framework) and Planning Practice Guidance. In addition to the standard implementation condition, I have imposed a condition specifying the approved drawings as this provides certainty. The council suggested matching materials, I have not imposed a condition to this effect. This is because it is unlikely that dormer materials could exactly match those of the main dwelling, and I find that the materials as proposed are acceptable.
13. The Council also seeks a condition removing permitted development rights to install a window in the flank wall(s) of the building. However, the Framework makes it clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case, the exposed flank elevations would be the existing gable end which faces the blank end elevation of No 30 and the sides of the proposed dormer which would look out onto the roofs of the neighbouring properties. There would be no loss of privacy to neighbours and no harm to character and appearance. Therefore, I find there are no justifiable grounds for imposing this condition.
14. In addition, I do not find it necessary to impose a condition requiring the proposed roof lights to be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. This is because the position of the roof openings in combination with the separation distance between facing properties and the appeal building is such that there would be no loss of privacy introduced.

Conclusion

15. For the reasons given above the appeal is allowed.

S Tudhope

INSPECTOR