



Appeal Decision

Site visit made on 13 July 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2021

Appeal Ref: APP/B5480/D/21/3272037

19 Lake Avenue, Rainham, Essex RM13 9SE

- 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 MJB Real Estates against the decision of the Council of the London Borough of Havering.
 - The application Ref: P1699.20, dated 2 November 2020, was refused by notice dated 16 February 2021.
 - The development was originally described as a 'Retention of the following development: 1. Front porch roof, 2. Front boundary wall, 3. Crossover from Lake Avenue to side road (Stoke Road), 4. Outbuilding 5. Alteration to rear loft eaves'
-

Decision

1. The appeal is allowed and planning permission is granted for elevational changes to include a front porch hip roof, bay windows, enlargement of a rear dormer, a rear garden outbuilding, a front boundary wall and the relocation of a vehicular crossover at 19 Lake Avenue, Rainham, Essex RM13 9SE in accordance with the terms of the application, Ref: P1699.20, dated 2 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03, 06, 07, 08b, 09c and 10b.
 - 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 building.
 - 3) The roof area of the extension adjacent to the enlargement of the rear dormer hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. A different description is set out on the Council's decision notice, which is also repeated on the appeal form. It is this description that is reflected in my decision paragraph, excluding the superfluous elements, as it is a more accurate description of the development.
3. It was apparent from my site visit that much of the development has already taken place, although it is still a proposal in the sense that it is not entirely complete. The Council made its decision on the basis of the submitted plans

and, accordingly, so have I. In the event that the plans do not entirely reflect what has been built on site, that is a matter for the main parties.

4. The main parties have made me aware of the planning history of the property, including the differences from the development that the Council had previously approved¹ (approved scheme) and which are of relevance to the matters of dispute. The approved scheme also concerned extensions to the property, front dormers and other alterations. As these elements are not in dispute, I have not considered them further.
5. The Council's reasons for refusal include reference to the London Plan (2016 as amended). A new version of the London Plan (2021) has been published since the Council's decision which supersedes the previous version. The main parties were given the opportunity to comment on this matter during the appeal, which I have considered in my decision.
6. The Council's reasons for refusal centre on character and appearance matters in relation to the different parts of the development. This is reflected in the main issue which I set out below and subsequently consider in the rest of my decision.

Main Issue

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

Reasons

8. The appeal property comprises a dormer bungalow that has been significantly extended and renovated. It lies on a corner plot where Lake Avenue meets Stoke Road. The property faces the narrower Lake Avenue frontage, whilst the Stoke Road side frontage is considerably longer. The rear garden bounds a garage on a neighbouring property. The site lies in a residential area and contains dwellings of various sizes and designs, reflecting the mix of mainly bungalows, semi-detached and terraced properties.
9. The front alterations that have taken place and are in dispute consist of the bay windows and the roof over the porch. The Council's Residential and Extensions and Alterations Supplementary Planning Document (2011) (SPD) sets out, amidst other matters, that porches and front extensions are not to detrimentally affect the character of the house and immediate surroundings.
10. The reason for refusal describes the bay windows as box-like, but as their side walls angle back towards the main front elevation, this limits any such pronounced jarring effects. They line up with the front dormers and so respect the arrangement of the front of the building. They also sit under the front eaves. The varying designs of the properties in the vicinity of the site also include a number of different types of front projections.
11. The pitched roof form of the porch also sits comfortably in a central position on the building with the bay windows on either side, and against the backdrop of the much larger front elevation. Whilst there are limited examples of porches in the immediate vicinity of the site, the pitched roof form is not to the detriment of the streetscene.

¹ Council ref: P0691.19

12. As such, whether in isolation or in combination, the design, bulk and scale of these front alterations do not unacceptably compromise the architectural composition and feature of the building. Similarly, they do not appear dominant, incongruous and visually intrusive in the street scene.
13. The rear of the property contains an expansive roof plane area and so whilst the rear dormer is bigger than the approved scheme, it is still well set down from the roof ridge and set off from the side walls. The proximity to the eaves level has been compensated for by a tiled eaves projection which has the visual effect of the dormer appearing that it sits up further on the roof plane. Thus, it does not occupy an unacceptably large area.
14. The rear dormer also, by and large, follows the guidance in the SPD. Overall, it is well contained in the body of the roof and so is not dominant. The view of the dormer from Stoke Road is also at an oblique angle as it does not directly face this highway. Rear dormers are not admittedly a particular feature of the area and it is larger than that found on the rear of the neighbouring property at 17 Lake Avenue (No 17). Nevertheless, as it does not form a visually intrusive feature, it does not appear incongruous.
15. The outbuilding lies at the end of the rear garden and extends near across its width. It is a flat roofed structure and so is of a modest height. The SPD advises that an outbuilding should be subordinate in scale to the existing dwelling and to the plot. Its footprint size and height are considerably less than the host dwelling and it is well separated from it by the remaining area of the garden. Even with its proximity to the side boundaries and the resultant width, it appears subordinate to the existing house, when its height, scale, mass and bulk are considered.
16. The flat roofed form and resultant low height also lessen its effect on the Stoke Road streetscene. Furthermore, it lies next to the garage on the neighbouring property and appears only slightly higher. With the gap that is left between the outbuilding and the host dwelling, it also maintains the open spatial character of the rear gardens. That it is larger than other outbuildings in the area does not alter that it does not have a harmful effect on the local character.
17. The boundary enclosure along both the appeal property's Lake Avenue and part of the Stoke Road frontages comprises an arrangement of brick pillars and low walls that are inset with decorative railings. The pillars and walls are also finished with stone copings. There is also a matching railing gate on Stoke Road to the rear of where the vehicular crossover would be relocated to.
18. The brick and railing arrangement is somewhat elaborate in these surroundings, where frontage enclosure is more typically low walls or open, despite the occasional example that is more similar to the appeal development. As such, it does not strictly conform with where the SPD states that boundary treatments should reinforce the prevailing character of the streetscape.
19. However, the use of railings does maintain some openness to the boundary treatment and such enclosure is more readily accommodated on corner plots because of the combined lengths of the frontages. The colour of the bricks is also not typical but matches the grey hues of the host dwelling. The coping stones are also a pleasing feature.

20. In the round, the design, height and position of the front boundary wall and railings do not appear as an unacceptably dominant and visually intrusive feature. The Planning Officer Report does refer to appeal decisions in the Council area which take a different view, but such matters are dependent on the particular site circumstances and which do not count against the boundary treatment in this case.
21. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the building and the area. As a result, it would comply with Policy DC61 of the Council's Core Strategy and Development Control Policies Development Plan Document (2008) which states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area and applies design based criteria that relate to local building forms, the surrounding physical context and the character of the area, amongst others. It would also comply with the similar design matters that are set out in Policies D1, D3 and D4 of the London Plan (2021).
22. In addition, the proposal accords with the SPD in overall terms in respect of the design guidance it provides so as to ensure that householder development is sympathetic to the existing property and the street scene.

Conditions

23. A condition related to the statutory timescale for implementation is not necessary. As the development is not as yet complete, I have imposed a condition concerning the approved plans in the interests of certainty. This is based on the list of plans contained in the Council's decision, excluding those which solely show the development that was the subject of the approved scheme. I have also imposed a condition concerning matching materials in the interests of protecting the character and appearance of the area.
24. The Council requested a condition so that the flat roof of a rear extension of the property could not be used as a balcony, roof garden or similar amenity area. As access could be taken from the rear dormer if the exterior openings on the dormer were changed, such a condition is reasonable and necessary. This is in order to protect the privacy of the living conditions of the occupiers of No 17. The altered wording from that put forward by the Council is in the interests of precision.
25. The outbuilding is clearly intended to be used for ancillary purposes and was applied for on that basis as part of an application for what is householder development, not a separate residential or commercial use. A use other than for ancillary purposes would require a further permission. Such a condition controlling the use is not therefore necessary.

Conclusion

26. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR