
Appeal Decisions

Site visit made on 13 July 2021

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal A Ref: APP/B5480/C/20/3264727 2 Kingsley Gardens, Hornchurch RM11 2HZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mukund Kataria against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 6 November 2020.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey side extension.
 - The requirements of the notice are:
 - (i) Demolish the single storey side extension from the area indicated solid black on the attached plan; And
 - (ii) Remove all materials, rubble, and debris from the site as a result of undertaking step (i) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/B5480//D/20/3262288 2 Kingsley Gardens, Hornchurch RM11 2HZ

- 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 M Kataria against the decision of the Council of the London Borough of Havering.
 - The application Ref: P0864.20, dated 23 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is the conversion of a garage into a playroom (habitable room).
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Decisions

Appeal A Ref: APP/B5480/C/20/3264727

1. It is directed that the enforcement notice be:
 - varied by deleting the words "three months" within section 6 (time for compliance) and its replacement with "five months"

2. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/B5480//D/20/3262288

3. The appeal is dismissed.

Procedural Matters

4. For Appeal B, the Council altered the description of the development of application ref. P0864.20 to read "Retrospective application for the conversion of garage into playroom (habitable room) and the erection of a single storey side extension". This description is more accurate since it also refers to the erection of the single storey side extension, as shown on the submitted floor plans TFK 0906/02, TFK 0906/05, TFK 0906/04A. I have therefore also determined the appeal on this basis.
5. For Appeal B, the Council does not raise any objection to the conversion of a garage into a playroom (habitable room). I find no reason to disagree with the Council's assessment regarding this element of the development and therefore my decision below focuses on the single storey side extension.
6. During the course of this appeal, the London Plan, 2016, and policies contained within it, has been replaced with the London Plan 2021 (London Plan), which was adopted on 2 March 2021. This must now be given full weight in the decision making process. Both parties have been given the opportunity to comment on the new London Plan, and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded London Plan 2016.
7. Further revisions have been made to the National Planning Policy Framework during the course of my consideration of the appeal and a revised version was published in July 2021 (the Framework). I have invited the main parties to comment on the Framework and have taken account of any responses from them in my determination of the appeal. The changes to the Framework do not materially alter the policies within the Framework most relevant to this appeal.

Appeal A on ground (a), the deemed planning application and Appeal B

8. Ground (a) is that planning permission should be granted for the matters stated in the notice. Since the planning appeal is against refusal of permission for the identical development, the considerations in that appeal are the same, and I have treated both cases together.

Main Issue

9. The main issue is the effect of the development upon the character and appearance of the host building and the area.

Character and appearance

10. The unauthorised works, the subject of both appeals A and B, comprise an additional single storey side extension attached to the pre-existing two storey side extension. The London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document, 2011 (SPD) states that "side

extensions should be subordinate to the existing dwelling to ensure they do not unbalance a pair of semi-detached properties, and to maintain the characteristic gap between neighbouring pairs of semi-detached houses". The SPD also highlights that the symmetry of semi-detached houses and the spacing between pairs are important considerations for side extensions.

11. There is some variety in the style and design of extensions along Kingsley Gardens and there are a number of properties in the locality which have single storey side extensions. However, prior to the current unauthorised works, as a pair of semi-detached dwellings, Nos 2 and 4 retained their original hipped roof form and a clear sense of balance and symmetry.
12. The addition of a further single storey side extension at the appeal property has unbalanced the appearance of the pair of houses and has removed the sense of symmetry. Whilst the single storey side extension is set back from the front elevation, it extends the width of the appeal property considerably, such that it is not longer subordinate to the existing dwelling. Indeed, the overall width of the combined side extensions appears wider than the original house. Despite the use of matching materials, the side extension, in combination with the existing two storey extension introduces an overly dominant and visually discordant feature in the street scene which fails to harmonise with the original dwelling, the pair of semi-detached properties and the area.
13. I appreciate that the single storey side extension does not result in any harmful loss of openness. However, this does not overcome the harm identified above, as it is the overall width and bulk of the combined extensions which are discordant. The appellant states that prior to the construction of the side extension the area of land was used as a meeting point for drug taking, fly tipping and other anti-social behaviour which undermined the quality of life within the area and the visual amenity of the area. However, no evidence of any of the above issues has been provided, which limits the weight I can give to these issues. There may also be alternative options which could be explored to overcome these issues, which do not harm the character and appearance of the property and area.
14. I therefore conclude that the single storey side extension harms the character and appearance of the host building and area. The development is therefore in conflict with the Core Strategy and Development Control Policies Development Plan Document (2008) Policy DC61, as well as new London Plan (2021) Policy D4. Amongst other things, these seek to ensure that planning permission will only be granted for development which maintains, enhances, or improves the character and appearance of the local area, and ensures that development delivers good design. Furthermore, the development does not meet the aims of part 12 of the Framework, which requires development to be sympathetic to local character and history.

Other matters

15. For Appeal B, I have considered whether it is possible to issue a split decision for the conversion of the garage into a playroom (habitable room). However, the single storey side extension is both physically and functionally connected to the converted playroom. Indeed, the floor plan submitted shows that the single storey side extension is accessed via a door from the converted playroom. I

have therefore not issued a split decision given that the two elements of the development are not clearly severable from one another.

Conclusion on Ground (a) and the Deemed Planning Application and Appeal B

16. For the reasons given and with regard to all other matters raised, the appeal on ground (a) and the deemed planning application should fail, and Appeal B, should be dismissed.

Appeal A on ground (g)

17. The appeal on ground (g) is that the period for compliance with the notice falls short of what is reasonable. The appellant asks that the time for compliance is extended from 3 to 6 months, in order to provide the appellant with additional time to raise funds and carry out the demolition works, particularly in light of the current situation with Covid-19.
18. I have identified under ground (a) that the development is harmful to the character and appearance of the building and the area. However, the time for completing the requirements should be what is reasonably considered necessary to complete the requirements. In my view, 5 months would strike a more reasonable and proportionate balance to carry out the actual works in the current circumstances with the pandemic. I shall therefore extend the period from 3 to 5 months for compliance with the notice.
19. The appeal succeeds on ground (g), and I shall vary the notice accordingly.

Conclusions

20. **Appeal A** - For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
21. **Appeal B** - For the reasons given above, and having regard to all other matters raised, I conclude that Appeal B should be dismissed.

R Satheesan

INSPECTOR