



Appeal Decision

Site visit made on 12 August 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal A Ref: APP/B5480/D/21/3269887

9 Hornbeam Avenue, Upminster, RM14 2NH

- 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 Poole against the decision of London Borough of Havering.
 - The application Ref P1694.20, dated 16 November 2020, was refused by notice dated 13 January 2021.
 - The application sought planning permission for conversion of roofspace to habitable use to include a rear dormer and 3 roof lights.
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Appeal B Ref: APP/B5480/D/21/3277440

9 Hornbeam Avenue, Upminster, RM14 2NH

- 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 Poole against the decision of London Borough of Havering.
 - The application Ref P0438.21, dated 9 March 2021, was refused by notice dated 6 May 2021.
 - The application sought planning permission for conversion of roofspace to habitable use to include a rear dormer and three front rooflights.
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Decisions

Appeal A Ref: APP/B5480/D/21/3269887

1. The appeal is allowed and planning permission is granted for conversion of roofspace to habitable use to include a rear dormer and 3 rooflights at 9 Hornbeam Avenue, Upminster, RM14 2NH in accordance with the terms of the application, Ref P1694.20, dated 16 November 2020, and the plans submitted with it, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those detailed under section 10 of the application form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3488.01, 3488.02 Rev.A, 3488.03 and 3488.04

Appeal B Ref: APP/B5480/D/21/3277440

2. The appeal is allowed and planning permission is granted for conversion of roofspace to habitable use to include a rear dormer and three front rooflights at 9 Hornbeam Avenue, Upminster, RM14 2NH in accordance with the terms of the application, Ref 0438.21, dated 9 March 2021, and the plans submitted with it, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those detailed under section 10 of the application form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3488.01 and 3488.02.

Procedural Matters

3. The description of development on both decision notices is slightly different to that on the application forms. I have adopted the former as it more accurately describes the appeal proposal.
4. As set out above there are two appeals on this site. They differ only in terms of, I understand, the width of the proposed rear dormer. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (July 2021) (Framework). However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response to the revised Framework.

Main Issue

6. The main issue is the effect on the character and appearance of the rear garden environment and surrounding area.

Reasons

7. The appeal site is located on the corner of Hornbeam Avenue and Alder Avenue. It comprises a two storey semi-detached property that has previously been extended to the side, and has a large garden to the rear. The surrounding area comprises similar semi-detached properties, although there are some single storey bungalows opposite the appeal site.
8. As I observed on my site visit, a number of properties in the area have converted their roofspace to habitable use with the benefit of rear dormer extensions. This includes 11 Hornbeam Avenue (No.11), which forms the other half of the pair of semis with the appeal site, as well as 13 Hornbeam Avenue (No.13), further to the north. The Council's objection, in relation to both appeals, is to the width, bulk and massing of the proposed rear dormer. As I confirmed above the only difference, I understand, between the two appeals is the width of the new rear dormer. The Council have not raised any objection to the proposed rooflights on the front elevation.

9. Paragraph 8.2 of the Residential Extensions & Alterations Supplementary Planning Document (March 2011) (SPD) states 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. Paragraph 8.3 continues by stating that dormers should be contained within the body of the roof, set well back from the eaves and any gables/party walls, and should also be located well below the ridge line of the main roof. It further states that all windows, at dormer roof level, should relate to the windows in the original house in terms of their proportion, design and position.
10. Both appeals would involve the construction of a dormer on the rear elevation where it would be contained within the main roof of the host property (as extended). It would be set back from the eaves and from the common boundary with No.11. It would also sit below the ridge line to the main roof and the ridge line of the two storey side extension. In these respects, it would broadly comply with the SPD guidance.
11. The proposed windows, within new dormer, would also align with the existing windows on the rear elevation of the host property. They would not appear out of proportion and are shown to be of a similar design to existing. In these respects, the proposal would again be compliant with the SPD guidance.
12. Whilst I accept that the proposed dormer, in both appeals, would occupy a large area of the roofscape to the host property and would be visible from Alder Avenue, the fact that the appeal property has been extended to the side, on two floors with a hipped roof, assists in reducing any resulting visual impact or physical dominance. Overall, I am satisfied, therefore, that in both appeals the proposed dormer would sit reasonably comfortably within the roofscape of the host property and would relate well to its immediate context.
13. That context includes the existing dormers on No.11 and No.13. Based on my observations on site and the photographs in the Appellant's Statement, both of these dormers appear larger than that proposed, and in the case of No.11 the dormer would appear to have been built off the main rear wall to that property. The Council have indicated that neither of these dormers were granted planning permission, but that in the case of No.11 a Lawful Development Certificate has been issued for the rear dormer. Even so, given the existence of these dormers, the proposed dormer, in both appeals, would not, in my judgement, appear visually intrusive or detrimental to the character and appearance of the rear garden environment to the host property or to the surrounding area.
14. Accordingly, I find that the proposed rear dormer, as shown in both appeals, would not be dominant or visually intrusive, and that whilst there would be some conflict with the SPD guidance, that conflict would not be sufficient to justify the refusal of planning permission. The proposed dormer accords with a number of the SPD guidelines and any variance from that guidance is, in my judgement, minor and would not result in any significant harm. Both appeal proposals would accord, therefore, with policy DC61 of the Havering Core Strategy & Development Control Policies Development Plan Document (2008), the SPD and policy 7.4 of the London Plan.

Conditions

15. The Council has suggested various conditions which I have considered against the advice in the revised Framework and the Planning Practice Guidance (PPG) chapter on the use of planning conditions. Conditions relating to the time limit for implementing the development, requiring compliance with the submitted plans and for materials to accord with those detailed on the application form, are necessary and reasonable in order to secure a high quality development and to reflect the details included within the application. I have, however, added a list of approved plans.

Conclusion

16. For the reasons given above and having taken all the matters raised into account, I conclude that the appeals should be allowed.

G Roberts

INSPECTOR