



Appeal Decision

Site visit made on 11 August 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/B5480/D/21/3273401 126 Stanley Avenue, Romford, RM2 5DA

- 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 Tony Ward against the decision of London Borough of Havering.
 - The application Ref P1593.20, dated 30 October 2020, was refused by notice dated 17 February 2021.
 - The application sought planning permission for proposed annex at rear of garden.
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Decision

1. The appeal is allowed and planning permission is granted for proposed annex at rear of garden at 126 Stanley Avenue, Romford, RM2 5DA in accordance with the terms of the application, Ref P1593.20, dated 30 October 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 the details in section 5 of the application form and as shown on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 0200PL/001, 0200PL/110, 0200PL/113, 0200PL/210 and 0200PL/211
 - 4) The building hereby permitted shall not be used or occupied at any time other than for purposes incidental to the residential use of the dwelling known as 126 Stanley Avenue, Romford.

Procedural Matters

2. The description of development on the decision notice is slightly different to that on the application form. I have adopted the former as it more accurately describes the appeal proposal.
3. The Council's Delegated Report raised a query in relation to the accuracy of the submitted plans specifically where they show the height of the outbuilding to 124 Stanley Avenue. This was a matter that I was able to observe on my site

visit and any errors in this respect have not affected my determination of this appeal.

4. On 20 July 2020 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

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

Reasons

6. Paragraphs 9.1 – 9.2 of the Council's Residential Extensions & Alterations Supplementary Planning Document (March 2011) (SPD) states that where annexes are proposed providing living accommodation for dependent relatives, they should form part of the same planning unit and share facilities such as parking, access and garden areas. It further states that the annex must demonstrate clear connections with the main dwelling and that its scale should be such that it can be used as part of the main dwelling once any dependency or similar use has ceased. The SPD confirms that the Council will attach conditions to prevent annexes from becoming self-contained dwellings.
7. The appeal proposal involves a separate annex that would be constructed at the end of the rear garden to the main dwelling. The proposed ground floor plan indicates that it would include a guest bedroom and bathroom, which the Appellant states would be utilised by relatives when visiting the property. Space for recreational and/or multipurpose use is also shown.
8. The Council's Delegated Report raises concerns as to whether the proposed building could be used separately as a self-contained dwelling. Even so, the development before me and the subject of this appeal, is for a proposed annex. There is no proposal before me for a separate dwelling. I have determined the appeal on this basis.
9. The proposed annex is shown as falling within the curtilage of the main dwelling and within the same ownership. It is not shown as a separate planning unit and would share the facilities and services of the main dwelling. The principal aspect from the new building is over the rear garden to the main dwelling, to which it would have direct and immediate access. The new building would, therefore, be well related to the main dwelling and have a functional link with that property, with no boundary demarcation between the two. All of these factors demonstrate, in my judgement, a clear connection between the proposed annex and the main dwelling.
10. In relation to scale, the single storey design of the new building ensures that it is subordinate and subservient to the main dwelling. This role is accentuated by the flat roofed design of the new building and the fact that the principal elevation facing the main dwelling is largely glazed. The sloping flat roof to the proposal, which rises to approximately 3.0 metres, would be lower than the height of the outbuilding to 128 Stanley Road and lower than the permitted garage to 124 Stanley Road (ref. P1849.16), where the approved plans show a ridge height of approximately 3.8 metres.

11. The Council contend that the depth of the proposed annex would be excessive resulting in an incongruous addition, harmful to the rear garden environment and character of the area. However, the height and scale of the proposed annex is not dissimilar to other nearby outbuildings, which, as I observed on my site visit, are a common feature of most of the rear gardens to the properties in Stanley Avenue, as well the rear gardens of Glenwood Drive, to the west. As I also observed on site, the design, scale and style of these outbuildings varies significantly.
12. Within this context, the appeal proposal would not be out of keeping or out of character. Whilst I accept that the depth of the proposed annex is greater than the outbuildings either side of it, the difference is not, in my judgement, significant and would not on its own justify the refusal of planning permission. Indeed, the fact that the appeal proposal would be deeper does not result in any harm given that it is located at the end of a long rear garden that is well maintained. Moreover, based on the submitted plans and my observations on site, the proposed annex would appear to only occupy approximately a quarter of the original rear garden area.
13. Furthermore, the SPD does not provide any guidance on the maximum size, depth and footprint of annexes, leaving the decision maker to consider the individual circumstances of the case and its context. The SPD does require such buildings to be proportionate to the main dwelling, and with outbuildings subordinate to the main dwelling. As I have found above, the appeal proposal would be both subordinate and proportionate to the main dwelling in terms of its height, scale, floorspace and footprint.
14. The appeal proposal would provide a degree of independence and privacy to relatives and visitors using the accommodation, and at the same time retain a spacious and highly functional rear garden. I am satisfied, therefore, that the appeal site is of sufficient size to accommodate the proposed annex. I am also satisfied that the appeal proposal would not materially harm the character and appearance of the area. The new annex would sit comfortably on the rear part of the appeal site and integrate well with the variety of single storey buildings that characterise the rear gardens of most properties in Stanley Avenue and Glenwood Drive.
15. The Council's Delegated Report also contends that the depth of proposed building would impact on the amenity of adjoining gardens. However, there is no detailed evidence before me to support that statement and for the reasons set out above, it is not a view that I share.
16. Accordingly, I find that the proposal would not harm the character and appearance of the area, and would not represent an incongruous feature within the rear garden environment to the main dwelling. It would, therefore, comply with policy DC61 of the Havering Core Strategy & Development Control Policies Development Plan Document (2008) and the provisions of the SPD. Combined, these seek, amongst other requirements, to ensure that new development reinforces the prevailing character of the area, integrates well with its context, is proportionate and subordinate to the main dwelling and maintains, enhances or improves the character and appearance of the area. These policies are consistent with those in the Framework.

Other Matters

17. I have had regard to the concerns raised by interested parties in relation to the provision for waste water, loss of privacy/light and overshadowing, lack of parking, noise and disturbance and boundary issues. Based on my own observations on site and the submitted plans, I am satisfied that none of these issues would result in any material harm. Indeed, there is no detailed evidence before me to suggest that any of these concerns would result in any significant harm and I note they are not issues that the Council have raised in relation to this appeal.

Conditions

18. The Council has suggested various conditions which I have considered against the advice in the revised Framework and the Planning Practice Guidance 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 shown on the application documents, 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.
19. The Council has also suggested conditions to prevent the building being used as self-contained accommodation, the subdivision of the existing garden and provision of new accesses. I am satisfied that a condition which prevents the appeal building being used or occupied as an independent dwelling, is necessary and enforceable. I have, however, modified the wording to reflect that in section 55(2)(d) of the Town and Country Planning Act 1990 and Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Any further control beyond this is not, in my view, necessary or reasonable.

Conclusion

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

G Roberts

INSPECTOR