



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 Ref: APP/B5480/D/21/3277833

175 Hornchurch Road, Hornchurch, RM12 4TE

- 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 Mrs S Jahan against the decision of London Borough of Havering.
 - The application Ref P0301.21, dated 17 February 2021, was refused by notice dated 15 April 2021.
 - The application sought planning permission for part two storey, part single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for part two storey, part single storey rear extension at 175 Hornchurch Road, Hornchurch, RM12 4TE in accordance with the terms of the application, Ref P0301.21, dated 17 February 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 match those used on the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: D02, D03, D06, D07, D08, D09 and D10.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the approved plans), shall be formed or installed within the flank walls of the first floor extension hereby permitted.

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. 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

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

Reasons

5. The Council's Delegated Report confirms that their concerns relate to the proposed additional first floor extension and wrap around, in terms of what they allege is its excessive width, bulk, scale, design and cramped appearance. The Council do not object to the projection of the proposed first floor extension, which would be approximately 3 metres, in compliance with the guidance within the Residential Extensions & Alterations Supplementary Planning Document (March 2011) (SPD). The Council have also not raised any concerns in relation to the impact of the proposal on the living conditions of 173 Hornchurch Road (No.173), which forms the other half of this pair of semi-detached properties.
6. Paragraph 5.12 of the SPD states that rear extensions to semi-detached properties should be carefully designed so as to minimise their bulk. It further states that two storey extensions should be set at right angles to the main roof and "*generally finished with a hipped roof*". Paragraph 5.13 also states that such extensions should be set in from any common boundary.
7. The appeal proposal, at first floor level, would project approximately 3 metres from the main rear wall of the host property. It would also be offset from the common boundary with No.173 by approximately 3 metres. In both these respects, it would comply with the SPD guidance.
8. Part of the proposal involves adding to an existing extension at first floor level so that in total it would have a depth of approximately 3 metres. As the width of this existing element is not changing, the submitted plans show that it would be finished off with a hipped roof, again as existing. The parapet wall on this side elevation would also be extended to accommodate these works. Again, this aspect of the proposed design would be compliant with the SPD.
9. The proposed extension at first floor level then extends further along the main rear wall of the host property, beyond the new extended hipped roof element. However, the submitted plans show this part of the proposal would have a flat roof. It appears that this design possibly emanates from the constraints imposed by the existing loft area accommodation and roof profile. Even so, the proposed area of flat roof would be small and its ridge would align with the eaves to the main roof of the host property. I am satisfied that, as a result, it would not be incongruous and would not result in any material harm to the appearance of the host property or surrounding area.
10. I accept that this aspect of the design would not be compliant with the SPD. However, any conflict with this guidance is, in my view, minor and my findings in this respect have been influenced by the host properties immediate context. As the Council acknowledge, the proposed extensions are only visible from the rear garden of the host property and the garden of No.173. As I observed on my site visit, existing boundary screening is such that there are no other properties at the rear that have any views of the appeal site. In addition, the

host property has a long rear garden, the western boundary of which is dominated by the gable ends of a number of large commercial buildings that run along its whole length. These buildings extend high above the boundary fence to the host property, visually dominating the appearance of the rear garden and the rear of the host property.

11. Within this context, the appeal proposal would not, in my judgement, appear excessive, bulky or cramped, and would not materially harm the appearance of the host property's garden or its surroundings.
12. Whilst the Council contend that the proposed width of the first floor, as added to, at approximately 5.7 metres, would be excessive, paragraphs 5.12 - 5.13 of the SPD do not provide any guidance as to the maximum width of extensions at first floor level. The SPD simply states that extensions should be offset from the common boundary by 2 metres. The appeal proposal complies with that requirement. For the above reasons, I am satisfied that the proposed width would not be excessive and would not result in significant harm to the appearance of the host property.
13. The Council also contend that the proposed extension would unacceptably unbalance the appearance of this pair of semis. However, I agree with the Appellant that these properties are already very different in terms of their form, design and appearance as a result of the previous extensions to the host property, specifically the two storey side and associated extensions, approved by the Council. The appeal proposal would not result in any further harm in this respect, and it would also not prevent No.173 from being extended in a similar manner in line with the SPD guidelines.
14. Accordingly, I find that the appeal proposal would not be cramped or incongruous or result in an unbalancing effect, and that whilst there is some conflict with the SPD, that conflict is not significant and would not be sufficient to justify the refusal of planning permission. The proposal accords with a number of the SPD guidelines and any variance from that guidance is minor and is outweighed by the individual circumstances of this case and my findings that the proposal would not result in any significant harm. The appeal proposal would, therefore, accord with policy DC61 of the Havering Core Strategy & Development Control Policies Development Plan Document (2008), the SPD and policy D1 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 match existing, 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.
16. I also consider a condition that takes away permitted development rights to install or form a new window opening in the flank walls of the proposed first floor extension is necessary and reasonable. Whilst the PPG advises that such rights should only be removed in exceptional circumstances, in my view, those circumstances exist here. Although I have found the appeal proposal to be acceptable, the relationship of the rear of the host building to No. 173 is such,

that this restriction is necessary and reasonable in order to protect the living conditions of the occupiers of that property.

Conclusion

17. 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