

Appeal Decision

Site visit made on 28 September 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021.

Appeal Ref. APP/B5480/D/21/3277075

3 Westmoreland Avenue, Hornchurch RM11 2EJ

- 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 and Mrs Bishop against the decision of the Council of the London Borough of Havering.
 - The application ref. P0137.21, dated 21 January 2021, was refused by notice dated 29 March 2021.
 - The development proposed is described on the application form as "*Proposed first floor extension*".
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Decision

1. The appeal is allowed and planning permission is granted for "*Proposed first floor extension*" at 3 Westmoreland Avenue, Hornchurch RM11 2EJ in accordance with the terms of the application ref. P0137.21, dated 21 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered 3113.02, 3113.03, 3113.04 and 3113.05.
 - 3) 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.
 - 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 in the side elevations of the dwelling as enlarged, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Procedural matters

2. In July 2021, after the submission of this appeal, a new version of the National Planning Policy Framework (the Framework) was published, replacing the 2019 edition. I have had regard to this document, but it is evident that the substance of the Framework, as it relates to the main issues in this case, has not
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changed. In such circumstances, I am satisfied that there is no requirement to seek the views of the parties on the revised Framework, and that in taking such an approach no prejudice to any party would arise.

3. The Council did not receive any responses to its neighbour consultation exercise. Still, I took into account the Council's request, as set out in the questionnaire, that I should visit the site at no. 1 Westmoreland Avenue but I found on my visit that I could fairly assess the impact of the proposed development upon the amenities of this neighbouring property from within the grounds of the appeal property itself.
4. The plan numbered 3113.03 is not listed on the Council's decision notice. However, since it was submitted with the Council's questionnaire and simply depicts the existing elevations of the appeal property, I have had regard to it.

Main issues

5. The main issues are the effects of the first floor extension upon the character and appearance of the dwelling and its surroundings and upon the amenities of the neighbouring occupiers at no. 1 Westmoreland Avenue with regard to the potential for any overbearing effects and an increased sense of enclosure.

Reasons

6. The appeal property is a detached bungalow, covered by various hipped roofs, standing towards the northern end of Westmoreland Avenue. There is a wide variety of dwellings at this northern end of the avenue contrasting with the more regular pattern of semi-detached 2-storey houses further to the south.
7. The Residential Extensions and Alterations Supplementary Planning Document (SPD), adopted in March 2011, carries weight as a material consideration in decision making but it should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site. I agree with the appellants that the SPD has nothing to say about proposals which specifically seek to transform a bungalow into a 2-storey house as is proposed here. I see that the Council does not oppose such a transformation in principle but is concerned that the height, bulk, scale and mass of the resultant building would be visually intrusive in the rear garden environment.
8. There is a detached, mostly 2-storey house at no. 1 and a chalet bungalow with dormers in its tall, front hipped roof slope at no. 5. With no increase in footprint proposed and noting the sizeable and taller nature of the dwellings to either side and the carefully and attractively designed roof style, consisting of a main hipped roof with lower eaves to the southern side and an advanced upper bay to the front, I consider that the resulting building would be a fitting addition to this street scene. This is important as judgements about the outward visual qualities of a development and sense of place should start from an assessment from the public realm. The Council concedes that the proposed front elevation has been designed to be sympathetic to the character of the street scene.
9. Whilst the northern side elevation would not include a lower eaves line, it would be a stretch of the imagination to suggest that the 2-storey hipped roof across the northern flank would appear unduly bulky for any reason. To all

intents and purposes, it would present itself as a conventional side elevation for this type of property. Similarly, the scheme's first floor rear projection would not be excessive in depth. It would be well set back from the ground floor rear wing and the inclusion of a full hipped end to the upper rear level would actually minimize its impact in the rear garden environment. Of course, being at the rear, it would have no obvious visual impact in the public realm.

10. Viewed as a whole, I consider that the proposed changes would be visually attractive and sufficiently respectful of the original building's character and appearance, the local character more generally and the setting of the site.
11. I find on the **first main issue** that the first floor extension would not have an adverse impact upon the character and appearance of the dwelling and its surroundings. As the proposed scheme would deliver good design, satisfactorily respond to the distinctive local building forms and patterns of development, respect the scale, massing and height of the surrounding physical context and at least maintain and complement the character and appearance of the local area, it would not conflict with the aims of Policy DC61 of the Council's Core Strategy and Development Control Policies Development Plan Document 2008 (DPD) or Policies D1 and D4 of the London Plan 2021 (LP). There would be respect for the Framework insofar as it seeks to achieve well-designed places.
12. The Council found the impact of the proposal on the amenities of no. 5 Westmoreland Avenue to be within acceptable limits and I see no reason to disagree with that stance.
13. The experience of no. 1 Westmoreland Avenue as being set within a relatively cramped back garden which faces east would endure. Whilst the northern flank wall of the appeal property is only separated from the boundary with no. 1 by a narrow passageway, it is actually set well away from the closest rear habitable room window there which is to be found at the end of a single storey rear-projecting wing beyond a garage. This orientation and layout, together with the hipped profile of the proposed roof, would help to avoid any significant overbearing impact on the outlook from that neighbouring window and rear garden, such that an undue sense of enclosure would not arise. They would also help to preserve the reasonable receipt of light (daylight and sunlight) to the rear elevation and garden of no. 1, the matter of light being admittedly raised in the delegated report rather than in the decision notice itself. The absence of objections from the occupiers of no. 1 Westmoreland Avenue adds weight to my findings in these respects.
14. I find on the **second main issue** that the proposed development would avoid any unacceptable impacts on the amenities of the neighbouring occupiers at no. 1 Westmoreland Avenue, taking into account the potential for overbearing effects and an increased sense of enclosure. As such, there would be no conflict with the aims of DPD Policy DC61 or LP Policies D1 and D4. Similarly, there would also be compliance with paragraph 127 (f) of the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future occupiers.
15. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides

certainty. I have also imposed a condition requiring matching materials, the use of which is indicated on the application form, to ensure that the development would safeguard the character and appearance of the area. In the interests of privacy, it is also necessary to impose the Council's fourth suggested condition so as to prevent the future insertion of flank windows other than those shown on the approved plans.

16. For the reasons given above and having regard to all other matters raised and the absence of objections from local residents, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR