

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/21/3275927
30 Crow Lane, Romford RM7 0EL

- 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 Shah Javed against the decision of the Council of the London Borough of Havering.

The application ref. P0139.21, dated 21 January 2021, was refused by notice dated 25 March 2021.

- The development proposed is described on the application form and decision notice as "*Retention of existing outbuilding*".
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Decision

1. The appeal is dismissed.

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 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 simple retention of something is not development as defined in section 55 of the 1990 Act. What is really being applied for is retrospective planning permission for the development which has been carried out, namely the operational development involved in the "*construction of an outbuilding*".

Main issues

4. The main issues are the outbuilding's effects upon local character and the surrounding built environment and upon the living conditions of the neighbouring occupiers, with particular regard to the potential levels of activity, noise and disturbance in the rear garden environment.
 5. My assessment of those issues is based on the most relevant policies of the development plan, which includes the London Plan 2021 and the Core Strategy and Development Control Policies Development Plan Document 2008 (DPD), and takes into account all other material considerations including the
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Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD) and the Framework.

Reasons

6. The principle of building an outbuilding is not at issue and I accept that such schemes will inevitably make more efficient use of a site, thus moving towards optimising its potential. However, the Framework also advises that good design is a key aspect of sustainable development; so, development should add to the overall quality of the area and be visually attractive as a result of good architecture and sympathetic to local character.
7. Despite the proximity of the Danes Road Industrial Estate to the north, the locality of the appeal site between Crow Lane's junctions with Beechfield Gardens and Bernard Road is of a predominantly residential character with a number of the dwellings, like the detached and extended chalet bungalow at no. 30, in fairly deep plots.
8. A very substantial, brick-built, single-storey, L-shaped outbuilding with a tiled pitched roof and a flat roof and which extends across the full width of the plot occupies the end of the rear garden of the dwelling. It has a footprint similar to that of the original dwelling and for the most part, along the major section which is topped by a pitched roof, it reaches up to a height of about 3.4 m.
9. Whilst the local building pattern at the rear of the dwellings on the northern side of Crow Lane between nos 14 and 44 includes a number of extensions, outbuildings and garages, I saw nothing to directly compare with the sprawling extent of the outbuilding at the back of no. 30. I have not had regard to the unfinished sizeable structure in the rear garden of no. 28 as the Council points out that there is no planning record held for the outbuilding there. The other outbuildings I saw were mainly small and/or utilitarian in form and appearance in contrast to the more obvious domestic form and design of the appeal outbuilding which has 3 patio doors.
10. The outbuilding has 4 main rooms (labelled as 2 playrooms, gym and storage on the plans), one sizeable bathroom and a room with further toilet/washing facilities, all finished internally to a high domestic standard. The SPD explains that an outbuilding should normally only be used for purposes incidental to the enjoyment of the house and that such incidental purposes do not include use as separate self-contained accommodation, or other primary living accommodation incorporating such components as a bedroom, bathroom or kitchen. The Council cannot be criticized for being concerned about the potential for the outbuilding's independent use given its size, the large bathroom and the lack of detail about exactly how the 4 main rooms would be equipped and reasonably required for the purposes labelled on the plans. However, the appellant is adamant that the outbuilding will be used in a way that would be solely dependent on the main house.
11. I have dealt with the application as it was submitted and on the basis put forward by the appellant that the outbuilding's future use would be incidental to the residential use of the host dwelling. This approach is taken in the knowledge that planning conditions could be attached controlling the use of the outbuilding, preventing the subdivision of the garden area and requiring the removal of the sizeable bathroom and that a fresh planning application would

need to be submitted and approved for any independent use. However, when considering local character and the surrounding built environment, the important point is that most reasonable observers would compare the outbuilding to a new bungalow in terms of its design and outward visual qualities, regardless of how it was eventually used internally.

12. There are only glimpsed views of the outbuilding from the public domain of Crow Lane. However, it will be very prominent from neighbouring rear gardens and rear-facing windows, especially as a garden building on this scale is not a feature commonly repeated in this area. By reason of its scale and bulk arising from its substantial size, height and layout across the plot and next to 3 site boundaries, the outbuilding fails to achieve a sufficient degree of subordination to the host dwelling and plot. Rather, it appears as a dominant and incongruous addition within the rear garden of the host dwelling. It is out of keeping with the scale, massing and height of the surrounding physical context and pattern of rear garden developments and fails to complement or improve the amenity and character of the area.
13. The appellant has drawn my attention to nos 70, 104 and 219 Crow Lane where planning permissions relating to outbuildings have been granted in the recent past. In the same order of address, these involved the conversion of a pre-existing garage with some roof enlargement, a notably smaller outbuilding and through an appeal decision, the conversion of an existing outbuilding to an annexe. From my reading of the relevant documents and plans, none of those outbuilding projects are identical to or even similar to what is proposed under this appeal scheme. There are no binding local precedents for the appeal proposal in the available evidence put before me.
14. I therefore find on the first main issue that the outbuilding is materially harmful to local character and fails to respect the surrounding built environment. The development would not deliver good urban design given its failure to maintain, enhance or improve the character and appearance of the local area, in conflict with the aims of DPD Policy DC61. This policy is consistent with the key design themes in the Framework insofar as they relate to achieving well-designed places.
15. Turning to the second main issue, the Council contends that the layout of the outbuilding, its intended use and the paved patio areas to the front and side of it point to an intensification of use and unreasonable levels of activity, noise and disturbance for neighbouring occupiers. There would undoubtedly be some noise associated with the comings and goings between the outbuilding and the house, the opening and closing of doors and the increased general activity on the patio areas. However, I refer back to my approach in paragraph 11 above. On the basis of the indicated use of the outbuilding as being incidental to the enjoyment of the dwelling, I am not convinced that such a use would give rise to an unreasonable increase in unneighbourly impacts in the rear garden environment that would be materially harmful to the living conditions of the neighbouring occupiers. There would be no conflict with the aims of DPD Policy DC61 or the Framework in this regard. The lack of harm under this second main issue does not outweigh the material harm I found under the first.
16. My finding on the first main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by

the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised and the absence of objections from local residents, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR