



Appeal Decision

Site visit made on 8th October 2021

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 02 November 2021.

Appeal Ref: APP/B5480/W/21/3272809

Garages Adjacent Crystal Avenue, to rear of 46 Dawes Avenue, Hornchurch RM12 6AL

- 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 Andrew Rumsey against the decision of the London Borough of Havering.
 - The application Ref.P1866.20, dated 9 December 2020, was refused by notice dated 4 February 2021.
 - The development proposed is the replacement of a detached block of garages and store with a new detached pair of garages for ancillary domestic use.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of a detached block of garages and store with a new detached pair of garages for ancillary domestic use at garages adjacent to Crystal Avenue to the rear of 46 Dawes Avenue, Hornchurch RM12 6AL, in accordance with the terms of the application, Ref.P1866.20, dated 9 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: D011 Rev A (Proposed Block Plan), D018 Rev B (Proposed Elevations), D017 Rev B (Proposed Plan), D010 (Site Location Plan).
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking, re-enacting or amending that Order with or without modification), the garages hereby permitted shall be used solely for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or any business.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking, re-enacting or amending that Order with or without modification), no window or other opening other than those shown on the approved plans shall be formed in the flank walls of the building hereby permitted, 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.

- 5) The two garages hereby permitted shall be fitted with roller shutter doors of a type and design to have previously been submitted to and agreed in writing by the Local Planning Authority, prior to commencement of work (including demolition) on the site.

Main Issue

2. The main issue in the appeal is the effect of the proposal on character and appearance of the area.

Reasons

3. The appeal site is located on the western side of Crystal Avenue and consists of a block containing 3 garages and a store. The block stands back from the back edge of the pavement. It is located to the north of two off-road car parking spaces which are situated to the north of the rear garden of 46 Dawes Avenue. There is an existing dropped kerb in front of the block
4. There is a gated service road to the immediate north of the appeal site which gives access to other buildings/garages to the rear of properties in Dawes Avenue and Standen Avenue. I understand the appeal site to be in different ownership to any of the dwellings in the immediate vicinity on Dawes Avenue, Standen Avenue or Crystal Avenue.
5. The proposed development is to replace the existing garage block with another single building, which would consist of two garages. It would be deeper than the existing building, being situated almost in line with the rear of the pavement along Crystal Avenue. It would be 4m high at its ridge and about 2.4m high to eaves level. Each garage would have a garage door with a gable above it and each would have a pedestrian access door. Its proposed use is for the parking of private domestic vehicles and not for the purposes of any business or trade.
6. The character of the area is residential and suburban. In the immediate vicinity of the appeal site there are several garages. Some are along the service road to the west of the site. On the opposite side of the Avenue to the appeal site there is another block of garages of broadly similar appearance to the block on the appeal site, each having a shallow monopitch roof. The block on the eastern side of the Avenue is flanked by two freestanding garages with dual pitched roofs.
7. Owing to the prevalence of domestic garages, parking spaces and back gardens, there is an open character to this section of Crystal Avenue. The proposal would not be unduly high with a ridge height at no more than 4 metres. Other new outbuildings of similar height have been granted permission in the vicinity of the site. Pitched garage roofs are not uncommon in the area. Whilst the front elevation of the building would be close to the rear of the pavement, it would have a central eaves line of about 2.4m in height and its front gables would not be higher than 4m. As a result, it would not be

unduly prominent. It would be domestic not commercial in appearance and would not compete for attention with the dwellings on Dawes Avenue or Standen Avenue. Consequently, it would not detract from the openness of the area to any meaningful extent. Furthermore, the currently rather run-down appearance of the existing garage block detracts from the visual amenity of the area and replacement with a newly-built building would enhance the character.

8. I conclude therefore that the proposal would not unduly harm the character or appearance of the area. It would not be in conflict with policy DC61 of the London Borough of Havering Core Strategy and Development Control Policies DPD (2008), policy D3 of The London Plan 2021 or the Borough's *Residential Extensions and Alterations* Supplementary Planning Document.

Conditions

9. The parties have suggested some conditions in the event that the appeal might succeed. I have considered these in the light of advice in the National Planning Practice Guidance. A condition which ties the built development to the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition which controls the use of the building to ensure it is for private non-commercial garaging and is compatible into the future with a residential area is also necessary. In order to avoid overlooking or loss of privacy a condition which ensures there are no openings/windows in flank walls is prudent and, in order to protect character and appearance and undue noise, I have attached a condition which requires the type and design of the roller-shutter garage doors to be submitted and approved in writing by the local planning authority before works commence.

Conclusion

10. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas Q.C.

INSPECTOR