



Appeal Decision

Site visit made on 9 November 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD December 2021

Appeal Ref: APP/B5480/D/21/3279385

16 Dunster Crescent, Hornchurch RM11 3QD

- 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 Daniel Constable against the decision of the Council of the London Borough of Havering.
 - The application Ref P0401.21, dated 4 March 2021, was refused by notice dated 28 April 2021.
 - The development proposed is part single, part two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey rear extension at 16 Dunster Crescent, Hornchurch RM11 3QD in accordance with the terms of application ref: P0401.21 dated 4 March 2021, and 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following plans: 1:1250 Location plan; 1:500 block plan and DN5/01 (existing and proposed floor plans and elevations).
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that Order with or without modification) no window or other opening (other than those shown on the approved plan) shall be formed in the flank walls of the buildings hereby permitted.
 - 5) Prior to the commencement of any groundworks or development of the site, details shall be submitted to and agreed in writing by the Local Planning Authority setting out suitable gas protection measures to be employed on site including, but not necessarily limited to, the installation of a suitable gas resistant membrane, in compliance with BS 8485:2015. The gas protection measures shall be carried out in strict accordance with the agreed details. Upon completion of installation, a 'Verification Report' demonstrating that the works have been carried out must be submitted to and approved in writing by the Local Planning Authority.

Main Issue

2. The main issue is the effect of the first floor element of the proposal on (a) the character and appearance of the host property and surroundings and (b) the living conditions of the occupiers of the neighbouring property, no. 18 Dunster Crescent.

Reasons

3. The appeal site comprises a modern semi-detached property. It is located in a residential area within a street of similar properties. Number 18 Dunster Crescent forms one half of the adjoining semi-detached pair and is separated from the appeal property by a side passage of about 1.85 metres width.
4. The Council's Residential Extensions and Alterations SPD, 2011, (SPD) provides detailed guidance to support the relevant policies of the Core Strategy and Development Control Policies DPD, 2008, (CSDCP). It aims to ensure householder development is sympathetic to the existing property and the street scene and does not detrimentally affect the living conditions of neighbouring properties. It recommends that two storey rear extensions should be set in from the common boundary with any attached dwelling by not less than 2 metres, and should project no more than 3 metres. It appears to contain no similar guidance in respect of non-attached dwellings, but it would seem appropriate to seek a similar separation distance given that similar impacts may occur.

Character and appearance

5. The proposed first floor element would extend out to the rear to a depth of 3 metres and would extend across about two-thirds of the width of the rear elevation. I consider that it would be a proportionate and subservient addition to the host dwelling with a lower ridge and hipped roof to reduce bulk. The property would retain a reasonably sized rear garden and in my view the proposal would not appear out of place in terms of its context and wider pattern of development. In my view it would not dominate the host dwelling, its environment nor appear unduly intrusive in the wider area.
6. Therefore, I find that the proposal would be not be harmful to the character and appearance of the host property and surroundings. As such it would comply with CSDCP Policy DC61 and Policies D1 and D4 of the London Plan (2021) which seek to ensure that development maintains, enhances and improves the character and appearance of the area by responding to local building forms and pattern and grain of development and respects the scale, massing and height of the surrounding physical context.

Living conditions

7. The nearest and most affected adjoining property, no. 18, has a single storey rear extension which is sited towards the common boundary with the appeal site. This extension extends across about half the rear elevation of that property, with the remaining area to the side providing a patio area. The proposed first floor addition to the dwelling on the appeal site would be likely to have some impact on this area as it would be visible above the single storey rear extension. However, given the separation distance, I do not consider that it would be overbearing or result in any loss of outlook. In terms of effect on sunlight, I note that the appeal site is located to the west of this property and

therefore the first floor extension may result in some loss of sunlight towards the latter part of the day. However, given the proposed height and design of the roof of the addition, the bulk of which would be minimised, and the separation distance, I do not consider that this would be an unacceptably harmful impact.

8. The proposed extension would also be likely to have some impact on the outlook and light to the nearest first floor window in the rear elevation of No. 18. However, the separation distance would not be significantly less than the 2 metres referred to in the SPD and taking into account the proposed depth of the extension and orientation of the two properties, the impact would not be unacceptable in my view.
9. Overall, I consider that there would not be an unacceptably harmful impact on the living conditions of the occupiers of the adjoining property and the proposal would therefore comply with CSDCP Policy DC61 and LP policies D1 and D4 which seek to ensure that residential extensions complement the amenity of adjoining properties.

Other Matters

10. I saw on my site visit that none of the surrounding properties had been extended at first floor level to the rear though many had single storey rear extensions. Therefore, whilst this would be the first, I do not consider that in principle it would be unacceptable. Indeed, as noted above, I have found that it would have an acceptable design, would be proportionate in size to the existing dwelling and would not have an unacceptable impact on the living conditions of the adjoining property. Thus I have found compliance with the policies to which I have been referred.
11. I have noted all the concerns of the occupiers of the neighbouring property, some of which do not relate to planning matters, but remain of the view that the proposal would not have an unacceptable impact on their living conditions.
12. In respect of conditions, I agree with the Council's suggestions that the use of matching materials, reference to the approved plans and a condition to control the insertion of any flank windows are necessary. In respect of the suggested condition to restrict the use of the roof of the single storey element it seems to me that this would be unnecessary given that the majority of it would comprise the roof lantern, therefore it would be impractical to use it in this way. With regard to the suggested gas contamination condition, the Council has provided little background justifying the need but it would appear to relate to the risks associated with potential gas migration therefore I am satisfied that it is necessary to ensure that any risks can be appropriately mitigated.

Conclusions

13. Overall, therefore, for the reasons set out, I conclude that this appeal should be allowed and planning permission granted.

P Jarvis

INSPECTOR