
Appeal Decision

Site visit made on 18 November 2021 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Appeal Ref: APP/B5480/D/21/3278044

71 Shepherds Hill, Romford, Essex, RM3 0NP

- 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 Hannah Smith against the decision of London Borough of Havering.
 - The application Ref P0289.21, dated 17 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is a first floor rear extension (extension of existing dormer).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and the development plan;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the host dwelling and the area;

- The effect of the development on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook and privacy;
- Whether the proposal would provide satisfactory living conditions for future occupiers with regard to outlook; and
- If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether it would be inappropriate development

5. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Policy DC45 of the Core Strategy and Development Control Policies Development Plan Document (Adopted 2008) (the 'Core Strategy') is generally consistent with the Framework in that it sets limits for the size of appropriate extensions. It stipulates that extensions should not exceed 50% of the cubic capacity of the original dwelling. I acknowledge that the Framework does not set a limit, leaving it to the decision maker to determine whether the extension is disproportionate.
7. The appeal dwelling has been previously extended, including the addition of a ground floor rear extension and a loft extension. Calculations have not been provided by either party to confirm the volume of the previous extensions or the increase that would result from the proposed extension. However, it is clear from the plans that the previous extensions coupled with the current proposals would result in a significant increase in the size of the original dwelling house.
8. Whilst I note the point the appellant makes that the proposal would not result in a 'stand alone' structure, significant bulk and mass would be added to the existing dwelling.
9. On the above basis, I consider that the proposed extension represents a disproportionate addition over and above the size of the original building contrary to Core Strategy Policy DC45 and therefore would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

Openness

10. The Framework states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Openness can be determined by visual and spatial aspects.
11. The appeal property is a semi-detached bungalow. Although the proposed extension would be at the rear of the dwelling, there are views of the existing

dormer and mature trees in the rear garden of the appeal property available from Shepherds Hill between the appeal dwelling and No. 73. Whilst the extension would not protrude any closer to No.73 than the existing dormer and the gap between the properties would be maintained, the increased depth would make the built development at first floor more visible and further screen views of the trees beyond, albeit to a fairly limited degree.

12. Whilst I acknowledge views from the rear would be limited as the property borders a horse paddock with mature trees along the boundary, clear views of the proposed extension would also be available from the neighbouring properties, Nos. 69 and 73 Shepherds Hill. There would therefore be a visual impact on openness from the additional size and bulk that would be added to the dwelling.
13. In terms of spatial aspects, the proposal would introduce built form into a part of the site which is currently undeveloped and as such would inevitably affect the spatial openness of the site. Overall, therefore, the proposal would have a harmful effect on openness, in that it would be reduced.

Character and Appearance

14. There are a variety of different dwelling types and styles along Shepherds Hill, all set back from the road with front gardens and driveways. The appeal property is a well-proportioned semi-detached bungalow.
15. The mass at first floor level would increase significantly as a result of the proposal giving the appeal property a far bulkier appearance. The large scale of the dormer means it would be out of keeping with the scale of the existing house. It would be overly dominant and unbalance the dwelling, giving it a top heavy appearance from the rear. The use of matching materials and joinery details would not address the more fundamental issues of scale and design. The proposed roof light would exceed the height of the existing roof of the dwelling and would also appear as an incongruous addition.
16. The scale and position of the extension and rooflight mean it would be partly visible from the road and so would detract from the character of the street scene.
17. The appellant asserts that the proposed development would have some consistency and coherence to neighbouring built forms. Whilst I do acknowledge that other dwellings in the area have been extended and altered, the extension in this case would be out of keeping with the host dwelling and this consideration does not lend any positive weight to the proposal.
18. I therefore conclude that, for the above reasons, the proposed development would have a harmful effect on the character and appearance of the host dwelling and the area and would be contrary to Policy DC61 of the Core Strategy which seeks, amongst other things to ensure development maintains, enhances or improves the character and appearance of the local area and London Plan (adopted March 2021) Policy D4 which seeks, amongst other things to ensure development features high quality design. The proposal is also contrary to the Residential Extensions and Alterations Supplementary Planning Document (Adopted 2011) (SPD) which seeks to ensure dormers are proportionate and do not harm the character and appearance of the original dwelling.

Living Conditions – Outlook 69 and 73 Shepherds Hill

19. The neighbouring property, at No. 69 adjoins the appeal dwelling. It features a single storey extension to the rear similar in scale to the single storey extension at the appeal property.
20. The position of the extension relative to windows in the rear elevation of No. 69 would ensure that their open outlook would remain and that light to them would not be affected. However, from the rear garden area of No. 69 and its rear patio, the proposal would significantly alter the current openness that exists and would have an overbearing enclosing effect on the rear garden environment of No. 69, making it a less pleasant area within which to spend time in.
21. No. 73 is a detached two storey dwelling located in close proximity to the side of the appeal property, with a narrow passageway separating the two properties. It has a glass conservatory built up to the boundary with the appeal property that would be directly opposite the first floor extension. From this room the proposed extension would loom above its glazed roof which would have an oppressive impact and cause unacceptable harm to the outlook of the occupants of No. 73. From the garden of No. 73 the extension would be visible, however the gap between the properties and its positioning adjacent to the conservatory mean it would not be unacceptably imposing.
22. Whilst I note the occupiers of No.73 are relatives of the appellant and have no objection to the proposals, these circumstances may change, and I must consider the living conditions of existing and future occupiers of the dwelling as required by the development plan and the Framework.
23. Overall, I conclude that the proposed extension would have a detrimental effect on the outlook from No. 69 and No.73, which would be harmful to the living conditions of occupiers of these properties. The proposed development would therefore be contrary to Policy DC61 of the Core Strategy which seeks, amongst other things to ensure development complements or improves the amenity of an area through integration with surrounding land and buildings. It is also contrary to the Residential Extensions and Alterations SPD which seeks to prevent unacceptable adverse impacts on the amenity of neighbours from development.

Living Conditions – Privacy 73 Shepherds Hill

24. The proposed flank window on the extension shows that obscured glazing would be used on the lower half of this window which would prevent views from it towards No. 73. As such, and notwithstanding that there is a degree of mutual overlooking from windows in the locality, the privacy of the occupiers of No. 73 would not be adversely affected by the proposed extension.
25. On this basis, in terms of maintaining privacy, the proposal accords with Policy DC61 of the Core Strategy which seeks to ensure developments do not result in unacceptable overlooking or loss of privacy and the design aims of London Plan Policy D4. It also accords with the Residential Extensions and Alterations SPD which seeks to prevent developments including intrusive overlooking windows and the Residential Design Supplementary Planning Document (Adopted 2010) (the 'Design SPD') which seeks to safeguard privacy. The provisions of the

Framework to secure a high standard of amenity for existing users would also be met.

Living Conditions – Future Occupiers

26. The submitted drawings indicate that one of the bedrooms at first floor level would be served by an obscure glazed window in the side elevation. As a consequence, users of this room would have a poor outlook when using this room and a satisfactory living environment would not be provided.
27. Whilst the appellant states that the intention is that this room would be used as a dressing room / storage / occasional guest bedroom, there is nothing to stop future use of the room as a bedroom and this matter does not alter my findings.
28. On this basis the proposed development would be contrary to Policy DC61 of the Core Strategy which seeks, amongst other things to ensure development meets the needs of all people and Policy D4 of the London Plan which seeks, amongst other things to ensure development features high quality design. It would also be contrary to the Design SPD which states that all habitable rooms should contain at least one window with an adequate outlook. The provisions of the Framework to secure a high standard of amenity for existing users would also not be met.

Other Considerations

29. The Framework states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
30. Whilst I understand the appellant's wish to enlarge their home for their family and visiting guests, the personal history the appellant has with the area and their desire to remain in the locality and next door to their parents, these personal circumstances carry little weight. The lack of objections from neighbours also do not lend positive weight to the development.
31. The appellant has provided photographic examples of other properties in the vicinity of the appeal property that have been subject to alterations and extensions. However, I do not have full details of the circumstances that led to these decisions and none of the examples appear to be directly comparable to the proposal before me. In any case, I have assessed the appeal on its own merits.
32. The appellant has made reference to their frustration with communication with the Council and lack of a site visit during the planning application process, whilst I sympathise, this consideration does not lend any positive weight to the proposed development.
33. Whilst the appellant has stated that they would be willing to accept a condition to provide a landscape scheme, such a scheme would be unlikely to be effective to mitigate against any of the harmful effects identified from the proposed first floor extension.

Planning Balance and Conclusion

34. It is considered the proposed development would cause harm to the Green Belt by way of inappropriateness and to openness. These are matters which I am required to give substantial weight. The proposal would also result in harm to the living conditions of occupiers of the neighbouring properties and the occupiers of the host property. Balanced against these matters are the other considerations identified above, which at most carry little weight. The lack of harm to the privacy of the occupiers of No.73 is a neutral factor which neither weighs for or against the proposal.
35. I conclude that the other considerations do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
36. Therefore the proposed development would be contrary to the Framework and Policy DC45 as described above which seek to prevent inappropriate development in the Green Belt.
37. For the reasons given above, and having regard to all other matters raised, I conclude that the proposal conflicts with the development plan and there are no material considerations to outweigh that finding. I recommend that the appeal should be dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

38. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation that the appeal should be dismissed.

RC Kirby

INSPECTOR