
Appeal Decision

Site visit made on 9 December 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2022

Appeal Ref: APP/B5480/D/21/3281006

13 New Place Gardens, Upminster RM14 3DG

- 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 & Mrs Russell against the decision of the Council of the London Borough of Havering.
 - The application Ref P0613.21, dated 30 March 2021, was refused by notice dated 26 May 2021.
 - The development is for a proposed single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the application by the Council the Havering Local Plan November 2021 (LP) has been adopted. This has superseded all policies contained in the Council's Core Strategy and Development Control Policies Development Plan Document (2008). I have determined the appeal on the basis of the newly adopted LP.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupants of 15 New Place Gardens having regard to outlook and overbearing impact.

Reasons

4. The appeal site relates to a semi-detached bungalow with off-street parking to the front on New Place Gardens, set within a predominantly residential neighbourhood. The proposal is for a single storey rear extension.
5. I note that the guidance concerning rear extensions in the Havering Council Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD). This states that, as a general rule, houses can be extended from the rear wall of the original dwelling by up to 4 metres in depth for a semi-detached dwelling. The total height of a single storey extension should generally be no more than 3 metres for a single storey extension with a flat roof, in order to ensure there is no unreasonable loss of amenity to neighbouring properties or reduction in sunlight or daylight. Any greater depth required should be within an angle of 45 degrees, taken from the 4 metre dimension on the property boundary.

6. The single storey rear extension would have a maximum depth of 6 metres, with a chamfered corner beyond 4m in depth adjacent to 15 New Place Gardens. I am satisfied that it would not impede a 45 degree notional line taken from the property boundary, which would comply with the requirements of the SPD in this regard.
7. However, the height of the proposal, at approximately 3.5 metres, would be in breach of the guidance set out in the SPD. The scheme would create a considerable extent of built form facing 15 New Place Gardens, thereby resulting in material bulk on the common boundary. In doing so, this would dominate the outlook from the ground floor windows and garden area of the adjacent property, in a manner which would be overbearing and oppressive, and materially worse than the existing state of affairs.
8. The appellant has provided photographs in an attempt to demonstrate the height of the proposal and compliance with the SPD, however the measuring pole in the images appears to only reach the guttering on the rear elevation. The plans I have before me show that the flat roof of the proposal would abut the base of the existing rear dormer window, which is at a higher level, and I have dealt with the appeal on this basis.
9. I therefore conclude that the proposal would cause harm to the living conditions of the occupants of 15 New Place Gardens having regard to outlook and overbearing impact. It would be contrary to policy 7 of the Havering Local Plan 202 that seeks to protect the amenity of existing residents.

Conclusion

10. Having regard to all matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR