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: 12th January 2022

Appeal Ref: APP/B5480/D/21/3280757
106 Lake Rise, Romford, Essex RM1 4EE

- 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 Leah Keene against the decision of the Council of the London Borough of Havering.
- The application Ref P0557.21, dated 23 March 2021, was refused by notice dated 21 June 2021.
- The development is for proposed single storey side and rear extensions including basement.

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 This has superseded all policies contained in the Council's Core Strategy and Development Control Policies Development Plan Document (2008).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 Issues

3. The main issues are the effect of the development on (a) the character and appearance of the dwelling and the local area; and (b) the living conditions of the occupants of neighbouring properties having regard to light, outlook and overbearing impact.

Reasons

Character and appearance

4. The appeal site consists of a two-storey, semi-detached dwelling. The topography of the site falls from front to back. The neighbourhood is characterised by single and two storey dwellings of various styles and designs. At the rear is a stream and woodland forming part of a public open space.

5. I note that the appeal scheme would exceed the guidance 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. This is to ensure the extension is subordinate to the original property.

6. The appellant has drawn my attention to a number of other schemes that have been granted permission by the Council in recent years for rear extensions to properties either side of the appeal site. The approval at 104 Lake Rise, which would project 4.2 metres from the rear wall if implemented, demonstrates that there is a degree of flexibility in the Council's approach to the advice in the SPD.

7. However, in my view the rearward projection of the appeal scheme would be excessive, and substantially larger than that approved elsewhere. The mass and bulk of the element would be out of keeping with the relatively modest proportions of the host dwelling, and the sheer size would be exacerbated due to the fall in the land towards the back of the site. The inordinate scale of the proposal would be unduly dominant and clearly visible from adjacent garden areas and the public open space, to the detriment of the surrounds.

8. The appellant states that the development permitted at 110 Lake Rise would project 6.2 metres from the rear of the dwelling. However, I note that part of this would comprise decking, which clearly would not have the same impact as a habitable addition.

9. The appellant also contends that an extension to the dwelling could be achieved under permitted development rights, however I have not been provided with any further details in this respect. In any event, the grounds of appeal concede that as the proposal contains a basement, it would not be possible to achieve such a scheme under permitted development Class A.

10. I am therefore of the view that the proposal would result in harm to the character and appearance of the dwelling and the local area. It would fail to meet the provisions of Policies 7 and 26 of the Havering Local Plan 2021 (LP) and the SPD, which seek to secure new development of acceptable scale and appearance.

Living conditions

11. The proposal would significantly increase the size and scale of development facing 104 and 108 Lake Rise, thereby adding material bulk to the built form on or in close proximity to each of these common boundaries. In doing so, this would create a considerable extent of built form which would dominate the outlook from the ground floor windows and garden areas of the adjacent houses, in a manner which would be overbearing and oppressive, and materially worse than the existing state of affairs.

12. I am aware of the approved development at the rear of Nos. 104 and 108, however at my site visit I saw that these have yet to be implemented. As such I have dealt with the appeal on the basis of the current relationship between the properties.

13. In respect of overshadowing, as the appeal dwelling is broadly to the north of No. 104 there would be no adverse loss of light to this residence. With regard to No. 106, the appeal dwelling is positioned approximately to the south-southeast. Consequently, it would already cause some adverse effect on light levels to the rear garden and internal rooms of the neighbouring house in the afternoon and evening. I am of the view that the proposed addition would not aggravate the present situation, and as such there would be no demonstrable loss of light.

14. I therefore conclude that the proposal would cause harm to the living conditions of the occupants of neighbouring properties having regard to outlook and overbearing impact. It would be contrary to policy 7 of the LP that seeks to protect the amenity of existing residents.

Conclusion

15. Having regard to all matters raised, the appeal should be dismissed.

C Hall

INSPECTOR