



Appeal Decision

Site visit made on 16 November 2021 by Thomas Courtney BA(Hons) MA

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/B5480/D/21/3273193

177 Main Road, Romford RM2 6LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Eneyat Ali against the decision of London Borough of Havering Council.
 - The application Ref Y0425.20, dated 15 December 2020, was refused by notice dated 22 January 2021.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 177 Main Road, Romford, RM2 6LT in accordance with the application Ref Y0425.20 made on 15 December 2020, and the details submitted with it, including plan nos. DPB/BD/001, DPB/BD/002, DPB/BD/003, DPB/BD/006, DPB/BD/007, DPB/BD/008, DPB/BD/009 pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2). The permission is also subject to the following conditions:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or openings other than those expressly authorised by this permission shall be constructed on the flank elevations.
 - 2) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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.

Main Issue

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

4. Where any adjoining occupier objects to the proposal, the provisions of the GPDO under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the impact of the development on the amenity of any adjoining premises. As an adjoining neighbour objected to the application, the Council assessed the impact of the proposal and found it unacceptable.
5. The main issue in this appeal is the impact of the proposed development on the amenity of adjoining premises, with regard to light, outlook and sense of enclosure.

Reasons for the Recommendation

6. The appeal site comprises a two-storey, semi-detached property located on the western side of Main Road within an established residential area. The appeal property and neighbouring properties feature large rear gardens.
7. The proposal would see the construction of a single storey, flat roof extension across the full width of the rear elevation. The extension would be around 3 metres in height and would project approximately 6 metres. I observed during my site visit that there were single-storey rear extensions of a comparable depth and height as the proposal in the vicinity including one at the adjacent property.
8. The development would not appear excessively obtrusive or bulky when seen from the ground floor rear elevation and garden of No.175 and would not have an adverse visual impact given its simple and neutral design. It would not drastically or negatively alter the outlook from the rear of No.175 nor, due to its modest scale and acceptable height, would it lead to an increased sense of enclosure.
9. By virtue of its modest scale and height the development would not appear excessively obtrusive or bulky when viewed from the ground floor rear elevation and garden of No.175. The neutral design and use of complementary materials would ensure that it would not have an adverse visual impact. For these reasons I consider that the outlook from No. 175's would not be unreasonably affected. The neighbouring property would still enjoy open rear views towards the north west, overlooking generous garden space.
10. As the rear outlook of the properties along the western side of Main Road is north-west-facing, the neighbouring property at No.179 may experience a slight reduction in light penetration during the afternoon and evening due to the position of the proposal on the common boundary. This would mostly affect the rear patio area beyond No.179's rear extension. Nonetheless, in light of the relatively modest flat-roofed single storey height of the proposed development, I consider that the resultant overshadowing would constitute a minimal loss of light to the rear of No.179 and it would not unacceptably harm the living conditions of the occupiers.
11. For the above reasons, I conclude that the proposed development would not adversely impact the amenity of neighbouring premises, with regards to a loss of light, outlook and sense of enclosure.

Other Matters

12. I note the neighbour's comments with regard to their side access, however the proposed plans indicate it would not be affected by the development and therefore this has not altered my view that the proposal would be acceptable.

Conditions

13. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse. In addition, the formal decision includes within it reference to the approved plans.
14. The Council has suggested a condition to restrict the formation of a window or other opening within the flank walls of the development, as well as a condition restricting the formation of a balcony or roof garden on the roof area of the extension. I have imposed both conditions in order to protect the living conditions of neighbouring occupiers.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and prior approval should be granted.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR