



Appeal Decision

Site visit made on 5 January 2022

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 27 JANUARY 2022

Appeal Ref: APP/B5480/D/21/3285133

109 Ingrebourne Gardens, Upminster, RM14 1BJ

- 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 and Mrs Longhurst against the decision of the London Borough of Havering.
 - The application Ref P1074.21, dated 2 June 2021, was refused by notice dated 29 July 2021.
 - The development proposed is a single story rear extension 6m from original rear wall with two roof lanterns.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension 6m from original rear wall with two roof lanterns at 109 Ingrebourne Gardens, Upminster, RM14 1BJ, in accordance with the terms of the application, Ref P1074.21, dated 2 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans reference RM14-1BJ-109-101 'Existing Plans, Section and Elevations' and RM14-1BJ-109-102B 'Proposed Plans, Section and Elevations'.
 - 3) All new external finishes shall be in materials to match those of the existing building.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific planning permission.

Preliminary matter

2. In respect of my site visit, the council asked that I should view the appeal site from the gardens of the adjoining neighbours. Neither had made representations to the council at the time of the application, nor on being notified of the appeal. The case officer, at my request, informed the neighbours of the date of the site visit and that I would be willing to enter their gardens to view the effect of the appeal proposal from their property. At my visit I was

allowed into the rear garden of No. 107, but the householder at No. 111 preferred that I should not enter his property.

Main Issues

3. There are 2 main issues in this case: i) the effect on the living conditions of the neighbours on either side; and ii) the effect on the character and appearance of the host property and the rear garden, in terms of the bulk, mass and scale of the proposal.

Reasons

4. The appeal property is part of a semi-detached pair, its adjoined neighbour being No. 107. There is an existing rear extension at the appeal property that extends back just over 2m from the original rear wall. The appeal proposal is to extend back beyond this by another 3.971m, making a total of 6m. However, No. 107 has an existing rear extension, so that the appeal proposal would extend about 2m beyond that. When I visited the appeal property I saw that the existing projection at No. 107 had no discernible adverse effect on the appellant's enjoyment of the area immediately at the rear of the house, and in fact it could be said that it provided a degree of privacy to this area. Having visited No. 107, I concluded that a similar situation would be the case at the rear of this dwelling, with the appeal extension in place. It would not have an overbearing effect resulting in an increased sense of enclosure and loss of outlook. Furthermore there would be no significant change in the amount of sunlight enjoyed.
5. Turning to the possible effect on the other neighbour at No. 111, this property is detached from the appeal dwelling, so that there is a greater separation than the neighbour at No. 107. No. 111 also has a rear extension, as shown on the plans, about 2m deep, albeit some distance from the boundary with No. 109. Whilst I did not enter the garden of No. 111, my judgement is again that there would be no harm to the living conditions of the occupants of this house, in terms of it being overbearing, increasing a sense of enclosure or loss of outlook.
6. I can deal with the second issue quite shortly. It appears to me that the appeal extension would not be so massive or bulky that it would be an overbearing dominant feature, detrimental to the character and appearance of the appeal dwelling, or harmful to the enjoyment of its rear garden.

Overall conclusion

7. In the light of the matters I have dealt with above, I conclude that the appeal proposal would not materially affect the living conditions of the neighbours at Nos. 107 and 111 Ingrebourne Gardens; nor would it have a harmful effect on the character and appearance of the host property or its rear garden due to its bulk, mass and scale. For these reasons I will allow the appeal.
8. The council has indicated that the only conditions that should be imposed on any planning permission, apart from the standard time limit for commencement, are that the development shall be carried out in accordance with the approved plans, that the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building, and that the roof area of the extension shall not be used as a balcony or similar amenity area. I consider that these conditions are necessary to

provide clarity and certainty over the precise nature of the development permitted, to ensure a satisfactory appearance, and to safeguard the privacy of neighbours.

Terrence Kemmann-Lane

INSPECTOR