



Appeal Decision

Site visit made on 3 February 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2022

Appeal Ref: APP/B5480/W/21/3279024 14 Hood Road, Rainham, RM14 8AS

- 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 Ian Hollowell against the decision of London Borough of Havering Council.
 - The application Ref. P1927.20 dated 18 December 2020, was refused by notice dated 21 May 2021.
 - The development proposed is the demolition of existing detached single bungalow and the erection of replacement one and a half storey 2-bed detached single dwelling house with associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing detached single bungalow and the rection of replacement one and a half storey 2-bed detached single dwelling house with associated parking and amenity space at 14 Hood Road, Rainham, RM14 8AS, in accordance with the terms of the application, Ref. P1927.20, dated 18 December 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues in this case are: i) the effect on the streetscene and appearance of the surrounding area having regard to siting, scale, mass, design and materials, and the prevailing character of development; and ii) the effect on living conditions of adjacent occupiers bearing in mind matters of overshadowing, outlook and sense of enclosure.

Reasons

The effect on the streetscene and appearance of the surrounding area having regard to siting, scale, mass, design and materials, and the prevailing character of development

3. There is a wide variety of dwelling forms on Hood Road. The immediate neighbours to the appeal site, on this western side, are bungalows, but the majority are of 1½ storeys with accommodation within the roof, facilitated by dormer windows. Indeed No. 10 has a dormer window that extends from just below the ridge and has its flank walls that continue in the same plane as the side flank wall of the original building. On the other side of Hood Road, the majority of the dwellings are of 2 storeys, as indeed are most on

the western side from No. 24. That particular house has an asymmetric roof, plainly visible on the north-eastern elevation. In addition, in the immediate vicinity, there is a gambrel roof and a wide variety of hips and gables. There is also a wide variety of materials in evidence, including brick, painted render, pebble dash render, stone cladding, and hanging tiles.

4. The appeal site is situated at the almost right-angle bend in the road, which leads to its prominence. The appeal proposal is set back a little compared with the existing bungalow, but this has no real effect in terms of prominence. But prominence can be acceptable with a well-designed building. In respect of design, there is little in the area that could be taken as an exemplar of good design, and certainly nothing that could be regarded as an established precedent that should be followed. A mediocre design on the site would go unnoticed, but the National Planning Policy Framework places considerable emphasis on good design, as does development plan policy.
5. The design of the proposed dwelling is in a somewhat modern idiom, reflecting modern expectations of space and inter-connectiveness. What is obvious is that considerable emphasis has been put on sustainability with such features as mechanical ventilation with heat recovery, photovoltaic panels, passive cooling, battery storage and rainwater harvesting. As to external appearance in the street scene, the dwelling presents a dual pitched roof with a gable towards the road, albeit with a shallow set-back. I consider that the ridge height is not significantly higher than its neighbours. The accommodation at first floor level is proposed within the roof form as opposed to incorporating potentially unsightly dormers to the sides. In my judgement the massing is crisp and uncluttered. External materials proposed are grey composite cladding and light render. My expectation is that the colour would be considerably lighter than is suggested in the 3D visualisations submitted with the appeal.
6. My conclusion on this issue is that the proposal does represent a variation in the streetscene, although not one which flies in the face of the height, massing and forms of housing in the road. I do not see this as something which should be regarded as unneighbourly or offensive, but rather a positive contribution. The prominent flank elevation to the north would be in keeping with the existing streetscene. The proposed dwelling would not conflict with Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document which, amongst other things, requires that developments maintain, enhance or improve the character and appearance of the area.

The effect on living conditions of adjacent occupiers bearing in mind matters of overshadowing, outlook and sense of enclosure.

7. The council's concerns in respect to this matter are set out in the officer's report: that the overshadowing diagram shows there would be an increase in overshadowing to the front window of the neighbouring property (No.12) during winter in the morning; the increased bulk, mass and scale of the proposed building impedes the front outlook on a 45 degree angle; and the increased visual dominance and sense of enclosure would be harmful to the amenity of this neighbour. The southern neighbour (No.16) is not considered

to be harmfully impacted as there is a single storey section to the rear on this side, a 1.5 metre gap and the shadow is cast to the north.

8. I am told that the front bay to No.12 is a bedroom window. The front elevation drawing 'streetscene' (No.098.300.P) shows the 45° relative to the proposed roof, and the sun path analysis (No.098.080.P.4) shows the path of the sun in the winter and summer. I am satisfied from this that there is not a significant loss of light to No.12. Turning to the sense of outlook and enclosure, the appeal proposal is an improvement on the effect of the existing bungalow on site. Whilst the appeal dwelling is set 1.1m from the boundary with No.12, rather than the 5m of the existing bungalow, the proposed dwelling is set 2.3m further back; thus the view from the front bedroom of No.12 is increased by 9°, which is actually a minor improvement and does not bring an increased sense of enclosure to the front of the dwelling.

Overall conclusions

9. I have taken account of all other matters, including those raised by an interested person about the character of the modern design, loss of privacy from the pedestrian side access; bin store placing, etc. However, none of these outweighs the factors that have led to my decision. I conclude that there would be no harmful effect on the streetscene and appearance of the surrounding area arising from siting, scale, mass, design and materials; and that there would be no significant harmful effect on the living conditions of adjacent occupiers from matters of overshadowing, outlook and sense of enclosure. I will therefore allow the appeal.

Conditions

10. The council has indicated conditions that should be imposed on any planning permission, in addition to the standard time limit for commencement of development. I will apply these for the following reasons: condition 2 is required for clarity and to provide certainty as to the development that is being permitted; condition 3 is to ensure that the materials used in the development provide a satisfactory appearance in the context of the streetscene; condition 4 is to ensure adequate refuse and recycling facilities are provided and appropriately sited; condition 5 is to ensure that parking provision is put in place in the interests of highway safety; condition 6 is to ensure appropriate boundary treatment is put in place in the interest of privacy and satisfactory appearance; condition 7 is to safeguard the living conditions of neighbours during the construction process; condition 8 is to ensure measures for water efficiency are in place for reasons of sustainability; and conditions 9 and 10 are to ensure that no further development takes place without planning permission, including flank windows, for the sake of the living conditions and privacy of neighbours.
11. However, in relation to condition 9, whilst the appellant accepts that it is reasonable that the Council would wish to control further extensions to the proposed dwelling, the need to remove the rights for detached outbuildings (Part 1 Class E) is questioned. The rear garden is a deep plot and there are three existing outbuildings as shown on the existing site plan (ref:098 005 P 1). The appellant may wish to replace these buildings at a later date. There are no special reasons why their replacement would need a full application and the conditions of Part 1 Class E are considered sufficient to protect the

amenity of neighbours. I accept this comment and have amended the suggested text of condition 9 accordingly.

Terrence Kemmann-Lane

INSPECTOR

Schedule of 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 be carried out in complete accordance with the approved plans and drawings reference 080P4, 100P4, 110P2, 300P4, 310P3, 320P4, 931P1, 932P1.
- 3) Details of all materials to be used in the external construction of the development shall be submitted to, and approved in writing by the local planning authority, prior to the commencement of the development.
- 4) The dwelling shall not be occupied until refuse and recycling storage with details of access to the site are provided in accordance with details previously submitted to and approved in writing by the local planning authority. The refuse and recycling storage shall be permanently retained thereafter.
- 5) Prior to first occupation of the dwelling hereby permitted, parking spaces shall be provided in accordance with details that shall have been submitted to and approved by the local planning authority in writing. The parking spaces so approved shall be retained permanently thereafter for the accommodation of vehicles visiting the site and shall not be used for any other purpose.
- 6) Prior to first occupation of the dwelling hereby approved, walls, fences and boundary treatment shall be in place in accordance details that shall have been submitted to, and approved in writing by the local planning authority. The boundary development shall retained permanently thereafter.
- 7) All building operations in connection with the construction of external walls, and other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and soil from the site, and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
- 8) The dwelling hereby approved shall comply with Regulation 36 (2)(b) and Part G2 of the Building Regulations - Water Efficiency.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, other than porches erected in accordance with the Order, no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse hereby permitted, without the express permission in writing of the Local planning authority.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank walls of the building hereby permitted, unless specific permission has first been sought and obtained in writing from the local planning authority.