

Appeal Decision

Site visit made on 15 March 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/B5480/D/22/3291341

10 Mount Avenue, Harold Park, Romford RM3 0DE

- 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 Tharanga Walpita against the decision of the Council of the London Borough of Havering.
 - The application Ref P1818.21, dated 17 September 2021, was refused by notice dated 14 December 2021.
 - The development proposed is described as 'this is a retrospective application for a wooden pergola standing on a pre-existing decking at the back of the dwelling. Existing reference ENF/126/21'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the pergola on the living conditions of the occupiers of No 12 Mount Avenue, with regard to outlook.

Reasons

3. The appeal property is a two storey dwelling at one end of a short terrace of three dwellings in a residential cul-de-sac. The surrounding area is residential in character and includes largely terraced and semi-detached dwellings.
4. Policy 7 of the Havering Local Plan 2016-2031 (2021) concerning residential design and amenity says that development will be supported where it does not result in unacceptable loss of outlook, amongst other matters. The *Residential Extensions and Alterations* Supplementary Planning Document (SPD) indicates that as a general rule for terraced dwellings extensions can be up to three metres in depth from the rear wall of the original dwelling. Any greater depth required should be within an angle of 45 degrees, taken from the three metre or four metre dimension on the property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties¹.
5. No 10 has a single storey extension across its full width and, together with the pergola, the overall depth of the combined structures is just under eight

¹ Paragraph 5.3.

metres. Moreover, the extension and pergola are built up to the shared boundary. While the pergola in this position and of this depth is contrary to the SPD, it does not have the same effects as a solid built form would. In particular, the side closest to No 12 is open. However, the relatively extensive roof with closely-positioned cross-beams is a more solid structure located at the same height as the flat roof of the extension.

6. This height and depth combined with the greater solidity of the roof of the pergola results in it being a substantive presence seen from the rear decking and garden of No 12. From these open views at close proximity the effects of the pergola and existing extension combined are overbearing and dominant with regard to the neighbouring occupiers' outlook from their garden. As such, the pergola due to its height, depth and structural presence harmfully comprises the reasonable use and enjoyment of the neighbouring garden.
7. Accordingly, for these reasons, I conclude that the pergola has an unacceptably harmful effect on the living conditions of the occupiers of No 12 Mount Avenue, with regard to outlook. Consequently, the proposal is contrary to Policy 7 of the Havering Local Plan 2016-2031 (2021) and to the SPD, as described above. However, from my reading of it, there is no conflict with Policy 26 of the Local Plan concerning urban design with regard to the main issue in this appeal.

Other Matters

8. I have had regard to other matters raised by an interested party. The rear gardens of some properties along Maylands Way back onto the side boundary of the appeal property. Due to the modest garden sizes and the fact that the appeal property stands on higher ground, the pergola is readily visible in views from these nearby dwellings and their gardens.
9. The rear building lines of the terraces on Mount Avenue are largely consistent, while the depth and height of the pergola stands out in the residential setting making it a dominant feature within the immediately surrounding area. As such, the effects of the pergola on the outlook of these nearby neighbouring occupiers on Maylands Way adds to the findings of harm with regard to the main issue.
10. I acknowledge that there were no objections to the application for the pergola. However, given the permanent nature of the change that has occurred, the effects need to be considered in the long term, with regard to both current and future occupiers of neighbouring properties.

Conclusion

11. For the reasons given, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR