

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: 30 March 2022

Appeal Ref: APP/B5480/D/22/3292277

11 St Lawrence Road, Upminster RM14 2UN

- 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 Ms Jahan against the decision of the Council of the London Borough of Havering.
 - The application Ref P1754.21, dated 5 September 2021, was refused by notice dated 17 December 2021.
 - The development proposed is described as 'following application no: P0850.21 refused for its excessive depth, bulk, height and position close to the boundaries. Revised proposed design erection of new rear part single-storey, part two-storey extension, alterations to openings, internal alterations and associated works'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of No 13 St Lawrence Road, with regard to outlook, daylight and sunlight.

Reasons

3. The appeal property is a two storey semi-detached dwelling located in a predominantly residential road of similar dwellings.
4. The main parties refer to a previous unsuccessful application for a similar form of development at the appeal property¹. While I note this earlier proposal and decision, this appeal involves a separate proposal which I have considered on its own merits.
5. 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 or daylight and sunlight. The *Residential Extensions and Alterations* Supplementary Planning Document (SPD) provides guidance on single and two storey rear extensions.

¹ Ref P0850.21.

6. With regard to single storey extensions the SPD indicates that as a general rule for semi-detached dwellings extensions can be up to four metres in depth from the rear wall of the original dwelling². In terms of height, single storey extensions should be no more than three metres with a flat roof to ensure no reduction in sunlight or daylight³.
7. The SPD indicates with regard to two storey extensions that for terraced or semi-detached houses originally built with single or two storey rear projections, as appears to be the case here, a rear extension of almost any size positioned in the recess between pairs of houses would cause disadvantage to the neighbours and would therefore not normally be acceptable⁴.
8. The single storey extension would infill the recess to the rear and would extend from the rear wall nearest to No 13 for over seven metres, which is considerably more than the maximum depth indicated by the SPD. Moreover, it would be just over three metres in height, although it would incorporate a flat roof. The extension would be relatively close to the shared boundary with No 13, retaining a gap of just under a metre.
9. No 13 has upper and ground floor rear-facing windows in the recess next to the boundary with No 11, and a kitchen window to the side facing the boundary. As the Council indicates, the recessed area to the side could be used for amenity purposes. As the rear of the properties faces north, there would be limited effect on sunlight reaching these windows and open area. The rear-facing upper floor window would retain largely open views across the single storey extension, but the depth of this extension and proximity to the shared boundary means that it would be visible from the ground floor window. From such views, the proximity of the walls of both No 13 and the proposed extension would result in a harmful sense of enclosure compared to the current situation with the shared recess to both properties.
10. The depth and height of the side wall of the single and two storey extension seen in relatively close proximity from the kitchen window and particularly the open area to the side of No 13 above the boundary fence would result in it being a dominant and overbearing feature. Furthermore, the combined effect of the single and two storey extension would have an oppressive effect on No 13's rear recessed area, due to both the harmful effect on outlook and some loss of daylight.
11. I acknowledge that there are similar forms of extensions at a number of neighbouring dwellings. However, it is unclear in what circumstances these were built, particularly whether the SPD was in place at the time, and the effect on neighbouring dwellings. The appellant refers to the extension at No 3 being allowed as a result of an appeal decision. However, that decision has not been made available as part of the appeal submissions. I have considered the current proposal on its merits in the particular circumstances of the relationship between the appeal property and No 13. The proposal is contrary to the guidance in the SPD and would have the harmful effects described. As such, the existence of the other extensions does not provide a sufficient reason to overcome this harm.

² Paragraph 5.3.

³ Paragraph 5.6.

⁴ Paragraph 5.11.

12. Accordingly, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the living conditions of the occupiers of No 13 St Lawrence Road, with regard to outlook and daylight. 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

13. I acknowledge that the proposed extension is intended to create additional living space and would be designed to be wheelchair accessible. I note also that a previously permitted extension was unable to be completed. However, these matters do not overcome the harm and conflict with development plan policy and supporting guidance that I have found would result from the proposal.
14. I have had regard to the representations submitted by interested parties. These do not, however, raise any matters in addition to the main issue that would lead me to reach a different overall conclusion in this case.

Conclusion

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

J Bell-Williamson

INSPECTOR