

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/22/3290457

19 Engayne Gardens, Upminster RM14 1UY

- 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 & Mrs J Vale (G,B and M Halibard c/o KSA Property) against the decision of the Council of the London Borough of Havering.
 - The application Ref P1986.21, dated 15 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is loft conversion works and new double storey bay window to front elevation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council does not raise any concerns about the proposed bay window. Consequently, the main issue is the effect of the proposed front and rear dormer windows on the character and appearance of the host dwelling and surrounding area.

Reasons

3. The appeal property is a relatively large detached dwelling set in a generous plot. Engayne Gardens is a residential road of similar dwelling types and the surrounding area is predominantly residential in character.
 4. Policy 26 of the Havering Local Plan 2016-2031 (2021) concerns urban design and requires development to be of a high design quality and to complement local character. The appeal property is within Zone B of the Hall Lane Policy Area. The Supplementary Planning Document (SPD) for this area indicates that where planning permission is needed for the improvement or extension of existing houses, the application will be considered sympathetically if the new work is complementary to the existing dwelling.
 5. The *Residential Extensions and Alterations* SPD says dormers should be contained well within the body of the roof, by being set well back from the eaves, and by setting the sides well in from any gables or party walls. Dormers must never extend above the ridge line of the roof and should be located well
-

- below it. All windows at roof level, particularly dormers, should relate to the windows of the original house in proportion, design and position¹.
6. The rear dormer would comply with the relevant guidance in part by being set up from the eaves and in from the sides of the roof slope. However, for most of its length it would be at the same height as the main roof ridge to the rear and not located well below it as the SPD indicates should be the case. Moreover, the windows would be of a contemporary design and appearance and materially larger than those at first floor level. As a result, the dormer would appear as a dominant and incongruous feature that would harmfully detract from the overall proportions and design of the appeal property's rear elevation.
 7. As the appellants contend, there is an existing dormer on the rear roof slope of the neighbouring dwelling, No 17. However, this is smaller scale than the appeal proposal, is more proportionate to the host dwelling and has windows that better reflect the design of the property as a whole. Therefore, while I accept that rear dormers are not uncharacteristic of the surrounding area, there are distinct differences between the nearest example and the proposal before me.
 8. Turning to the proposed front dormer, the roof scape along this part of Engayne Gardens is largely unaltered. This fact, combined with the window's apparently contemporary design, would draw the eye to this uncharacteristic feature. Its different design and appearance to the other windows on the dwelling's frontage would, despite its limited size, result in it appearing as incongruous and not in keeping with the more traditional character and appearance of the host dwelling. The appellants draw attention to front dormers at Nos 9 and 13. I agree that these represent poor design and are uncharacteristic features in the largely original and unaltered roof scape along the road. As such, they do not represent a positive precedent for the current proposal.
 9. Therefore, for these reasons, I conclude that the proposed front and rear dormer windows would have an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, this element of the proposal is contrary to Policy 26 of the Havering Local Plan 2016-2031 (2021), as described above. It is also contrary to the *Hall Lane Policy Area SPD* and the *Residential Extensions and Alterations SPD*, as described above. Policy 28 of the Local Plan is not relevant in this case as it concerns the effect of development on heritage assets.

Other Matters

10. I acknowledge that the proposed loft conversion is intended to create additional living space and that the appellants may be frustrated by the process leading to the refusal of permission. However, such matters concerning process and the alleged lack of engagement or opportunity to negotiate are not within the scope of this appeal, which is concerned solely with the planning merits of the proposal.

¹ Paragraph 8.3.

Conclusion

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

J Bell-Williamson

INSPECTOR