

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/21/3284798

94 Front Lane, Upminster RM14 1XW

- 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 Kevin Kennard against the decision of the Council of the London Borough of Havering.
 - The application Ref P1426.21, dated 17 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is single storey rear and side extension with flat roof.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council relies on draft policies from the Havering Local Plan 2016-2031 Submission Version. As the plan has been adopted since the decision in this case and the relevant policies are unchanged, I have had full regard to those policies from the adopted plan.

Main Issues

3. The main issues are the effect of the proposed extension on the character and appearance of the host dwelling and surrounding area; and the effect on the living conditions of the occupiers of No 92 Front Lane, with regard to outlook.

Reasons

Character and Appearance

4. The appeal property is a two storey detached dwelling in a residential road of mixed property types. The surrounding area is predominantly residential in character.
 5. The proposed single storey extension would replace an existing conservatory covering most of the rear of the property and a separate outbuilding to the side. Policy 7 of the Havering Local Plan 2016-2031 (2021) concerning residential design and amenity requires development to be of a high design quality. Policy 26 concerns urban design and also requires development to be of a high design quality and to complement local character.
-

6. The *Residential Extensions and Alterations* Supplementary Planning Document indicates that as a general rule, detached dwellings can be extended from the rear wall of the original dwelling by up to four metres in depth, to ensure the extension is subordinate to the original dwelling. However, the appellant has confirmation from the Council that prior approval is not required for a six metre deep rear extension that would cover the full width of the appeal property, but would retain the outbuilding to the side¹. As I have no reason to doubt that the appellant would implement this proposal should the appeal fail, I give the permitted development significant weight as a 'fallback' to the appeal proposal.
7. The appeal property is of relatively modest width with a gambrel type of roof form, with the side elevations narrowing to the upper storey as seen from the rear. The existing conservatory is proportionate to this scale and built form, while the outbuilding is a separate, subordinate structure. The proposed extension would be of similar depth and height to the conservatory and a metre less deep than the fallback. However, the principal difference is that it would be considerably wider and would cover most of the width of the plot.
8. This additional width, combined with the extension's depth and height would result in it being a dominant feature within the rear garden setting that would not appear subordinate to the host dwelling. In particular, the extent of the addition at ground level would detract from the modest proportions and width of the upper floor of the original dwelling, thereby unbalancing and upsetting the dwelling's appearance as a whole. As such, the proposed extension, while not as deep as the fallback, would be an incongruous and harmful addition, which would not be an improvement to the existing appearance of the appeal property.
9. The proposed extension would be highly visible across the side boundary both from Plough Rise itself and from some properties on this road. From such views, the incongruous and harmful effects of the extensive addition would be readily apparent.
10. Accordingly, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, the proposal is contrary to Policies 7 and 26 of the Havering Local Plan 2016-2031 (2021), as described above.

Living Conditions

11. The existing outbuilding is positioned directly next to the shared garden boundary with the neighbouring property, No 92. The shallow pitched roof of the outbuilding is visible to a limited extent above the boundary fence. The outbuilding would be replaced by the side elevation of the flat-roofed extension.
12. This change would result in a greater amount of the building being visible above the fence than is currently the case. However, the extent of the additional development visible from the neighbouring garden would still be limited. Moreover, the patio area to the rear of No 92 is set away from this boundary and, therefore, the extension would not be in a prominent position.

¹ Ref Y0370.21.

The nearest ground floor windows would retain direct views towards No 92's garden.

13. Therefore, for these reasons, I conclude that the proposed extension would not result in material harm to the living conditions of the occupiers of No 92 Front Lane, with regard to outlook. As such, there is no conflict with Policy 7 of the Havering Local Plan 2016-2031 (2021), which says that development will be supported where it does not result in an unacceptable loss of outlook, amongst other matters.

Conclusion

14. I have found in the appellant's favour with regard to one main issue, concerning the effect of the proposal on neighbouring living conditions. However, this is not sufficient to outweigh the fact that the proposal would result in unacceptable harm to the character and appearance of the host dwelling and surrounding area and, therefore, is contrary to the development plan. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR