



Appeal Decision

Site visit made on 10 May 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/B5480/D/21/3285949

95 Rush Green Road, Romford RM7 0PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Abul Hussain against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0401.21, dated 9 August 2021, was refused by notice dated 17 September 2021.
 - The development proposed is single storey rear extension with an overall depth of 6m, a maximum height of 3.60m and an eaves height of 3m.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

3. The main issue is the effect of the proposal on the amenity of adjoining premises with regard to outlook and light.

Reasons

4. The appeal site is part of a terrace of dwellings and includes a conservatory and flat roofed offshoot to the rear. It is proposed to remove the conservatory and offshoot and erect the proposed extension projecting from the main rear elevation of the dwelling.
5. An objection to the proposal has been received from a resident of 97 Rush Green Road which refers to the effect on outlook and light, amongst other things. It is therefore necessary to consider the amenity of adjoining premises in accordance with the provisions of the GPDO.
6. The extension would be located along the boundary with No 97. Due to the degree of projection and the height of the proposal, it would appear as an overbearing and obtrusive feature extending along the boundary. As a result of

its scale and location, the proposal would also lead to a significant degree of overshadowing and loss of light to the amenity area to the rear of No 97, including in respect of a glazed door and window on the main rear elevation which serve a room within the dwelling.

7. The door and window at No 97 are already affected to a degree by ground floor extensions at that property and the appeal site, which create a 'tunnel' effect referred to by the Council. However, the proposal would project significantly further to the rear than these existing extensions, with commensurate unacceptable harm to the outlook and levels of light at No 97. The proposal would also be significantly higher than the fence separating the two properties.
8. The Council refers to an SPD¹ which sets out that rear extensions projecting more than 3m should include a 45 degree set-back from the boundary. I am mindful that the SPD pre-dates the provisions of the GPDO which relate to this appeal. However, I consider that the guidance of the SPD is an appropriate 'rule of thumb' to assess the effect on amenity where it is appropriate to do so. The proposal would not comply with the SPD in respect of rear extensions, which supports my observations as to the harm to amenity arising from the extension.
9. The garden of No 97 is relatively long, and a large extent of it would not be affected by the proposal. However, this would not be sufficient to mitigate for the harm to the amenity area closest to the dwelling as well as to the door and window serving a habitable room.
10. There is a subjective element to the assessment of outlook and light. However, the appellant has not provided substantive evidence which leads me to a different conclusion on these matters. Reference is made to the Mayor of London's housing standards in respect of ceiling heights, but this does not justify the projection of the proposal or the effect on the amenity of No 97.
11. The Council considers that the proposal would not lead to significant harm to the amenity of residents of 93 Rush Green Road due to the presence of existing extensions to the rear. However, this does not negate the harm I have identified in respect of No 97.
12. There are other extensions to the rear of properties in this area, however it has not been demonstrated that the circumstances that led to these being approved or constructed are identical to the appeal before me. In any event, I have determined this appeal on its own merits.
13. I am mindful of the appellant's wish to improve accommodation at the property. However, this private benefit is not sufficient to outweigh the harm that I have identified to an adjoining property.
14. The appellant refers to the National Planning Policy Framework (the Framework) and policy 7 of the Havering Local Plan. Insofar as they are relevant to the main issue, the proposal would conflict with them in respect of amenity and quality of life and due to the weight given to the identified harm. The proposal would also be contrary to the guidance of the SPD in respect of the design of rear extensions and the effect on amenity.

¹ Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD)

15. I conclude that due to its effect on residents of No 97 in respect of outlook and light, the proposal would lead to significant harm to the amenity of an adjoining premises. The appeal should therefore be dismissed.

David Cross

INSPECTOR