The Planning Inspectorate

Appeal Decisions

Site visit made on 7 June 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2022

Appeal Refs: APP/B5480/C/21/3270799 & APP/B5480/C/21/3270800
27 Wigton Road, Romford RM3 9HB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr E Kolgegaj (Appeal A) and Ms Xhemile Zeqiraj (Appeal B) against an enforcement notice issued by the Council of the London Borough of Havering.
- The enforcement notice was issued on 17 February 2021.
- The breach of planning control as alleged in the notice is: without planning permission, the construction of a first floor rear extension.
- The requirements of the notice are:
  (i) Demolish the first floor rear extension; AND
  (ii) Remove all other debris, rubbish or other materials accumulated as a result of taking step (i) above.
- The period for compliance with the requirements is three months.
- The appeals are proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decisions

1. Appeal A is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a first floor rear extension at 27 Wigton Road, Romford RM3 9HB, referred to in the notice.

2. I take no further action in respect of Appeal B.

Preliminary Matters

3. During the course of this appeal, Havering Core Strategy and Development Control Policies Development Plan Document, 2008 (CS), and policies contained within it, has been replaced with the Havering Local Plan 2016 – 2031, which was adopted in November 2021 (Local Plan). This must now be given full weight in the decision making process. Both parties have been given the opportunity to comment on the new Local Plan, and so have not been prejudiced. I have therefore not assessed the development against the policies of the superseded CS.

4. Further revisions have been made to the National Planning Policy Framework during the course of my consideration of the appeal and a revised version was

published in July 2021 (the Framework). I have invited the main parties to comment on the Framework and have taken account of any responses from them in my determination of the appeal.

5. The ground (a) appeal is being considered under Appeal A only since the planning fee was not paid for Appeal B by Ms Xhemile Zeqiraj (ref: 3270800).

Appeal on ground (a), the deemed planning application (DPA)

Main Issues

6. Having considered all the representations received the main issues are the effect of the development upon:

   - the character and appearance of the host building and area;
   - the living conditions for the neighbouring occupiers of No 25 Wigton Road with particular regard to light, outlook, and privacy; and
   - the living conditions for the neighbouring occupiers on Chudleigh Road with particular regard to privacy.

Reasons

Character and appearance

7. The appeal site relates to a two storey semi-detached dwelling located within a predominantly residential area. The property has been previously extended with a front porch extension, a ground floor extension, a conservatory to the side of the dwelling and a rear dormer roof extension. The unauthorised works, the subject of this enforcement notice, relates to a brick built first floor rear extension, constructed over part of the ground floor rear extension.

8. For semi-detached properties, the Council's Residential Extensions and Alterations Supplementary Planning Document, 2011 (SPD) emphasises that two storey rear extensions to semi-detached houses should be carefully designed in order to minimise their bulk and that the roof should be pitched and generally finished with a hipped end. The guidance also requires that the extension project no more than 3 metres and should be set in at least 2 metres from the boundary with the attached dwelling. Whilst the Council's SPD is guidance only, its emphasis on good design is consistent with the Framework.

9. The first floor rear extension is broadly in accordance with the above guidance in relation to its overall depth and set in from the side boundary with the adjoining property at No 25 Wigton Road. The design of the extension, with matching brickwork and a tiled hipped roof, which respects the original property is also in accordance with the Councils SPD. In this respect the extension is of an acceptable design, size, and scale. In addition, being located on the bend in the road, the property benefits from an unusually large side and rear garden such that the extension does not appear unduly dominant nor harm the openness of the appeal site and area.

10. I therefore conclude that the unauthorised development preserves the character and appearance of the host building and area. It would therefore be in accordance with policies 7 and 26 of the Local Plan, which amongst other things states that the Council will promote high quality design that contributes

to the creation of successful places in Havering by supporting development proposals that:… Are of a high architectural quality and design

11. The development also complies with Policy D3 of the London Plan (2021), which amongst other things states that development proposals should… be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use. Finally, the development complies with aims of part 12 of the Framework, which requires development to be sympathetic to local character and history.

Living conditions for No 25 Wigton Road – light, outlook, and privacy

12. With regard to the effect on the occupiers of No 25, as outlined above the Council's SPD states that the two storey rear extensions should be set in from the common boundary with any attached dwelling by not less than 2 metres and should project no more than 3 metres. The SPD also highlights that *"orientation is particularly important, and extensions of this kind may be acceptable where they are proposed to the north of the adjoining property"*. The development has been constructed in general conformity with this guidance in terms of size, distance away from the side boundary with No 25 and orientation. As such, owing to the location of the extension, its modest depth and distance away from neighbouring properties, the development does not harm the living conditions of the occupiers at No 25 in relation to, loss of light (daylight, sunlight, and overshadowing) or outlook.

13. With regard to privacy the two storey side extension is set away from the boundary with No 25 and also does not contain any windows in the side elevations, which is in accordance with the guidance contained in the Council's SPD. I am therefore satisfied that the extension does not result in any loss of privacy to the occupiers of No 25.

14. I therefore conclude that the development does not have a harmful effect on the living conditions for the neighbouring occupiers of No 25 with regard to light, outlook, and privacy. In this respect the development complies with Policy 7 of the Local Plan, which amongst other things states that to protect the amenity of existing and future residents the Council will support developments that do not result in: i. Unacceptable overlooking or loss of privacy or outlook; ii. Unacceptable loss of daylight and sunlight. The development is also in accordance with paragraph 130 of the Framework which seeks to ensure all developments creates places with a high standard of amenity for existing and future user.

Living conditions for occupiers of Chudleigh Road – privacy

15. During the site visit I observed that the land levels of properties on Wigton Road were higher than those on Chudleigh Road. Nevertheless, given that there are already existing windows in the rear elevation of the appeal site at first and second floor level, and the modest depth of the first floor rear extension, I am satisfied that the first floor extension does not result in any additional overlooking or loss of privacy to the neighbouring occupiers on Chudleigh Road, to the rear of the site.

16. I therefore conclude that the development does not have a harmful effect on the living conditions of the neighbouring occupiers of Chudleigh Road with regard to privacy. In this respect the development complies with Policy 7 of the

Local Plan and paragraph 130 of the Framework, which seek the aforementioned aims.

Other Matters

17. Comments made by third parties have been taken into account but do not alter the conclusions reached in this decision. Owing to the large size of the side and rear garden the proposal is not overdevelopment and does not result in any harmful loss of garden space. Reference has been made to refuse collection from the appeal site. However, this is not relevant to the current appeal development. Furthermore, loss of private views is not a planning consideration.

18. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusions

19. For the reasons given above I conclude that Appeal A succeeds on ground on ground (a). I shall grant planning permission for the development described in the enforcement notice. The enforcement notice will be quashed, and it follows that Appeals A and B on ground (g) do not fall to be considered.

R Satheesan

INSPECTOR