



Appeal Decisions

Site visit made on 7 June 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

13 July 2022

Appeal A Ref: APP/Z5060/C/21/3269369

Land and Premises at 2 Cromer Road, Chadwell Heath, Romford RM6 6ND

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Lakhvinder Nahal against an enforcement notice issued by the Council of the London Borough of Barking and Dagenham.
 - The notice was issued on 22 January 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of a porch at the front of the property.
 - The requirements of the notice are to: Remove the unauthorised porch in its entirety. Remove all subsequent waste material from the premises.
 - The period for compliance with the requirements is: 3 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) 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.
-

Appeal B Ref: APP/Z5060/W/21/3269070

2 Cromer Road, Chadwell Heath, Romford RM6 6ND

- 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 L Nahal against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02127/HSE, dated 23 October 2020, was refused by notice dated 15 December 2020.
 - The development proposed is described on the application form as: 'proposed front porch, side double storey, rear g.floor extension & part double storey rear extension'.
-

Decisions

Appeal A

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 erection of a porch at the front of the property at Land and Premises at 2 Cromer Road, Chadwell Heath, Romford RM6 6ND, as shown on the plan attached to the notice.
-

Appeal B

2. Appeal B is dismissed.

Preliminary Matters

3. The council's decision notice in Appeal B refers to 'the Draft Local Plan (Regulation 18 Consultation Version, November 2018)' and 'the Draft Local Plan (Regulation 19 Consultation Version, September 2020)'. These are not referred to in the enforcement notice the subject of Appeal A. The council has confirmed these remain in draft form, but limited information has been provided as to whether there are any unresolved objections to their draft policies or whether they may be subject to change before adoption. As such, I have applied limited weight to those draft policies and I have relied upon the policies of the adopted development plan.
4. Appeal B includes a proposed two storey side extension and a part single and part two storey rear extension to the appeal dwelling, in addition to the porch which forms the subject of the enforcement notice in Appeal A. The council has not raised an objection to the proposed two storey side extension or the single storey element of the proposed rear extension in its decision notice relating to the Appeal B scheme. On the evidence before me, I see no reason to take a different view, and I have not therefore considered these parts of the proposal further.

Appeal A on ground (a), the deemed planning application, and Appeal B

Main Issue

5. The main issue is the effect of the porch and the proposed first floor rear extension on the character and appearance of the area.

Reasons

Appeals A and B: The Porch

6. The porch is a large addition to the front of the end of terrace house, with double doors and a fanlight above, and tall obscure glazed windows on each side elevation. It has a hipped tiled roof and is slightly taller and wider than porches to neighbouring houses. It projects from the front elevation of the dwelling by approximately the same distance as the adjacent bay window.
7. The external appearance of houses within the immediate surroundings of the appeal site varies, with a range of styles of windows, doors and building finishes on display. Although some porches in the locality have matching designs, generally, there is little consistency in the size, style and finishes of porches. In this context, the height of the porch is similar to other porches nearby.
8. The porch is seen as a wide addition to the front of the appeal dwelling in the street scene but is not experienced as a significant deviation from the mixed character of the area. It is closely aligned with the appeal dwelling's bay window, but its overall scale and positioning does not disrupt, dominate or adversely affect the appearance of the appeal building or the street scene and reflects the mixed character of the locality.

9. The porch does not therefore cause unacceptable harm to the character and appearance of the area and broadly accords with Policy CP3 of the council's Core Strategy (2010) (CS) and Policies BP8 and BP11 of the Council's Borough Wide Development Policies Development Plan Document (2011) (DPD). These require, amongst other things, development to have regard to local character.

Appeal B: The Proposed First Floor Rear Extension

10. The proposed first floor rear extension would be a substantial addition to the appeal building, seen in short views from neighbouring properties. It would be set in from the boundary shared with 4 Cromer Road, but its sheer size would dominate the rear elevation of the terrace. This would be due to its 3 metres depth and 6.7 metres width combined with its awkward relationship to the existing rear dormer.
11. The low hipped roof of the proposed first floor rear extension would fail to sufficiently soften the appearance of what would be an unduly large and bulky extension at the end of a terrace of modestly proportioned houses. As such, the proposed excessive mass and projection to the rear of the appeal dwelling would form an unattractive and discordant feature in the terrace. The proposal in Appeal B would therefore harm the character and appearance of the area, contrary to Policy CP3 of the CS and Policies BP8 and BP11 of the DPD.

Conditions

12. The council has suggested a condition seeking to remove permitted development rights at the appeal site for any development which would otherwise be permitted by the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Such a condition would not relate directly to the development being permitted and no clear justification has been presented to warrant the restriction of nationally permitted development rights. The suggested condition would therefore not be reasonable or necessary such that it would be contrary to the guidance set out at paragraphs 54-56 of the National Planning Policy Framework.
13. As the porch has already been constructed, a condition specifying the approved plans is not necessary. As the external appearance of the porch already matches that of the remainder of the front elevation of the appeal dwelling, which appears to await finishing, there is no need for a condition requiring the external materials of the porch to match the dwelling. No conditions would therefore be reasonable or necessary in this instance.

Conclusions

Appeal A

14. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The appeals on grounds (f) and (g) do not therefore fall to be considered.

Appeal B

15. The porch is granted planning permission in Appeal A, but the proposed extensions would harm the character and appearance of the area in conflict

with the development plan as a whole. There are no material considerations which indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal B should not succeed.

L Douglas

INSPECTOR