The Planning Inspectorate

Appeal Decision

Site visit made on 22 March 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/B5480/D/21/3282867
42 Manser Road, Rainham, RM13 8NL

- 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 Obed Nnaghor against the decision of London Borough of Havering Council.
- The application Ref P0807.21, dated 26 April 2021, was refused by notice dated 23 June 2021.
- The development proposed was originally described as outbuilding extension to an annexe.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development stated by the appellant in the appeal form and the Council in its decision notice was 'conversion and extension of existing outbuilding to provide a granny annexe'. Notwithstanding any intended users, that description more clearly represents the development proposed.

3. In November 2021, after submission of the appeal, the Council adopted the Havering Local Plan 2016 – 2031 (2021) ('LP'). I have taken account of representations made by the parties in relation to it.

Main Issues

4. The main issues are: (i) whether or not it has been demonstrated that the proposed development can be considered ancillary to the dwelling rather than an independent dwelling; (ii) the effects of the development on the living conditions of nearby residents; and (iii) the effects of the development on the character and appearance of the area.

Reasons

Whether ancillary to the dwelling:

5. The appellant states that use of the annexe would be incidental to use of the dwellinghouse as home office space and additional living space for visiting guests. However, the plans indicate the building would contain two bedrooms, bathroom with shower, kitchen & dining room, and depict a sofa in each bedroom. Therefore, despite the appellant's stated intentions to use the building as a home office with a guest room for visiting family members, it would be a separate building with all the facilities necessary for use as an independent unit.

6. Havering London Borough Residential Extensions & Alterations Supplementary Planning Document (2011) ('REA SPD') paragraphs 9.1 and 9.2 advise that an annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas. It also states that a proposed annexe must demonstrate clear connections with the main dwelling, and that conditions would be required to prevent an annexe becoming a self-contained dwelling.

7. For an annexe in such close proximity to the host building it would be unusual for visiting family and friends to require separate kitchen and dining facilities. The extent of shared facilities would be very limited, and the existing garden gate could facilitate independent pedestrian access onto Gerard Gardens where on-street vehicle parking is unrestricted. These features would readily facilitate independent use of the extended building without the need for further development.

8. I note the appellant would agree to a condition limiting use of the extended building to prevent independent use. However, practically no discernible action would need to be taken for the building to be occupied independently, thus irrespective of the appellant's current intentions, the proposal would give rise to what is tantamount to an independent unit. Consequently, I cannot remedy that through conditions which meet the relevant tests for conditions set out in paragraph 56 of the National Planning Policy Framework (the Framework).

Living conditions

9. Although the appeal has been made on the basis that the development would be an annexe for ancillary use, I have found it would be difficult to distinguish such a use from use as an independent dwelling. In either case, the presence of two additional bedrooms could result in occupation of the dwelling by larger numbers of people. The existing garden gate onto Gerard Avenue is at the far north-eastern corner, away from other dwellings and gardens, and adjacent to garages and parking areas.

10. The existing outbuilding contains a solid (unglazed) door and one window. The installation of larger windows and use of one room as a kitchen/dining area would increase intervisibility between the extended building and the rear glazed extension of the neighbouring property. It would also change the pattern and intensity of use from an outbuilding to an annexe which I have found to be akin to a dwelling. The relationship between the proposed building and the rear of the existing terrace of dwellings would be poor in terms of intervisibility and, in relation to the neighbouring property, would be harmful by reason of its proximity.

11. I therefore conclude the proposed development would result in substandard living conditions in terms of privacy. The development would therefore conflict with the relevant provisions of Havering Local Plan (2021) Policies 7 and 26, which relate to overlooking, privacy and urban design, and with Chapter 12 of the Framework which seeks well-designed places.

Character and appearance

12. The appeal site is an end terrace dwelling with a rear garden on the corner of Manser Road and Gerard Gardens. It is seen from dwellings and gardens to the south, and also from Gerard Gardens to the north with its garages, parking areas and blocks of flats.

13. The extended building would remain marginally off-set from the boundary with the neighbouring property, and would be wider and deeper. The eaves height would be similar to the existing building, with a slightly higher ridge height. The extended building would therefore have a limited visual impact on dwellings and their gardens to the south.

14. In other respects, it would be the largest outbuilding in the vicinity, but would also be located in one of the largest gardens. Located at the end of the garden it would not extend forwards, and would therefore have only a limited additional visual impact. Being sited north of the adjoining garden, and extending away from other dwellings, limits the impact of the proposals on the neighbouring garden.

15. To the north the appeal site abuts Gerard Gardens in an area characterised by relatively high brick and concrete walls and timber fencing, with a garage block to the rear and surface parking opposite. The visual effects on Gerard Gardens would be very limited.

16. Overall, the development would not harm the character and appearance of the area. It would therefore accord with the relevant provisions of Havering Local Plan (2021) Policies 7 and 26, which relate to the design of residential development and urban design, and with Chapter 12 of the Framework which seeks well-designed places.

Conclusion

17. Although I have not found harm to the character and appearance of the area, the annex would be akin to an independent dwelling in terms of its form and function contrary to the REA SPD, and there would be harm arising in relation to living conditions.

18. For the reasons above, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR