



Appeal Decision

Site visit made on 3 August 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2022

Appeal ref: APP/W5780/C/21/3273199

Land at 36 Marlborough Drive, Clayhall IG5 0JN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Harcharan Singh against an enforcement notice issued by the London Borough of Redbridge.
 - The notice was issued on 15 March 2021.
 - The breach of planning control as alleged in the notice is without planning permission the erection of hip to gable roof extension.
 - The requirements of the notice are:
 - (i) demolish the hip to gable roof extension in its entirety;
 - (ii) clear all resultant debris from above requirement.
 - The period for compliance with the requirements is within 3 months from the date of this notice taking effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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Formal Decision

1. The enforcement notice is corrected and varied by:
 - deleting the sentence under paragraph 3 and replacing that with 'without planning permission the erection of hip to gable roof extensions and dormer roof extension';
 - deleting (i) under paragraph 5 and replacing that with 'demolish the hip to gable roof extensions and dormer roof extension in their entirety and restore the dwelling's roof slopes as they existed prior to the breach of planning control';
 - deleting (ii) under paragraph 5 and replacing that with "clear all debris from the site resulting from the above works"; and
 - substituting, in paragraph 6 '6 months' as the period for compliance.
2. Subject to these corrections and variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

3. The enforcement notice sets out the alleged breach of planning control, but the notice does not reflect the operational development that has taken place and the basis on which the parties have made their cases. Nor does it reflect the scheme which the Council refused planning permission for, or the reasons that underpin

that decision¹. The parties are cognisant of the site's planning history and the dormer roof extension. Hence, I sought the parties' comments on my intention to correct the notice under s176(1) to include the dormer roof extension, and to correct the requirements of the notice to include this, and to restore the dwelling's roof slopes as they existed prior to the breach of planning control. No comments have been received from the parties, but no injustice would be caused to them for the reasons explained above. In these circumstances, I have corrected the notice and considered the appeal on this basis.

The appeal on ground (a) / the deemed planning application

Main issue

4. I consider that the main issue is the effect of the hip to gable alteration and rear dormer on the character and appearance of the area.

Reasons

5. The appeal property is detached and located on a prominent corner plot at the junction of Marlborough Drive and Brinkworth Road. The property is of a unique typology for the area, which contains a variety of house types, but it is of a traditional design and finish which reflects the character of the area. Dormer extensions are present within roofs of properties in the area. They vary in size, design and position within the roof slopes, but they are set down from the ridgeline, up from the eaves and in from the flank elevations.
6. The hip to gable extensions to either side of the dwelling and the dormer roof extension to the rear make effective use of the property and provide additional living accommodation. They also do not affect neighbouring occupants' living conditions. However, the bulk, massing and design of the roof slopes have been fundamentally altered and the rear dormer extension is a dominant addition to the property as it occupies almost all of the roof plane. It is not subordinate to the host dwelling as it is not set-down from the property's ridge line, neither is it set-up from the eaves nor set in from the edges of the roof. The slither of the roof to the side does not change the collective outcome of the uncompromising additions that have been made to the property which are out of character with its surroundings and in a highly visible and prominent location.
7. The hung tiles used for the cheeks of the dormer roof extension match the colour of the property's roof tiles, but they cause the extensions to be read as a single dominant addition. Whilst the appellant is willing to use painted render for the flank elevations of the dormer roof extension to tie in with the lower parts of the property, it would not overcome the harm that I have identified.
8. The appellant suggests that an extension of an almost identical style and scale could be built to replace the extensions that are subject of the notice. It is theoretically possible that the hipped roof of the original dwelling could be altered to a gable roof, and a dormer extension added to the rear. However, among other things, both would be subject to a limitation on the resultant roof space and the extensions in situ are well above that limitation. Therefore, the effect of such works would be less harmful than the development the subject of the notice. Hence, the fallback position advanced does not justify allowing the scheme under ground (a).

¹ Council Ref: 4264/20

9. I conclude that the hip to gable alteration and rear dormer are harmful to the character and appearance of the area and conflict with Policies LP26 and LP30 of the Redbridge Local Plan 2015 - 2030, Policies 7.4 and 7.6 of The London Plan and the Council's Housing Design Supplementary Planning Document (SPD). These policies seek high quality design that respects and improves an area's character and quality, by being subordinate and proportionate to the existing building in terms of size, scale, massing, form, materials and design. Conflict would also arise with the National Planning Policy Framework which sets out that good design is a key aspect of sustainable development, and should be sympathetic to local character, including the surrounding built environment. The appeal on ground (a) therefore fails.

The appeal on ground (g)

10. In appeals made on ground (g) the appellant considers that the time period for compliance stipulated in the enforcement notice is unreasonably short. In this particular instance the appellant requests that the time given to comply with the notice is increased from 3 months to 6 months so that the necessary funds can be raised for the required works and so that a competent builder can be found to carry out the works to a high standard. The extra time would also provide the appellant with the opportunity to submit a new planning application for an alternative scheme and alter the development carried out. The appellant makes the point that this could avoid major building works, disruption to neighbouring residents and the need for the appellant and his family to find alternative accommodation whilst the works take place.
11. I note the view of the Council and the neighbour on the time period sought, but I consider that a 6 month period would be reasonable in this case for the reasons set out. On this basis, the appeal succeeds on ground (g) and I will vary the notice accordingly.

Conclusion

12. For the reasons given above, subject to the corrections and variation set out above, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Andrew McGlone

INSPECTOR