



Appeal Decision

Site visit made on 17 August 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH September 2022

Appeal Ref: APP/B5480/D/22/3297018

65 Hall Lane, Upminster RM14 1AQ

- 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 Danny Davies against the decision of the London Borough of Havering Council.
 - The application Ref P0007.22, dated 4 January 2022, was refused by notice dated 28 March 2022.
 - The development proposed is a single storey rear extension with roof terrace over and alterations to existing ground floor front entrance.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with roof terrace over and alterations to existing ground floor front entrance at 65 Hall Lane, Upminster RM14 1AQ in accordance with the terms of the application, P0007.22, dated 4 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CC/02/20/F 1 of 3, CC/02/20/F 2 of 3 and CC/02/20/B 3 of 3.
 - 3) The 1.8 metre side panel on the north side of the roof terrace element of the development hereby permitted shall at all times be glazed with obscured glass.

Main Issues

2. The main issue is the effect of the development on the living conditions of neighbouring residential occupiers with reference to privacy and noise disturbance.

Reasons

3. The appeal dwelling is a large, detached brick built two storey house on a generous plot. It is located on Hall Lane, a street fronted by other similarly scaled detached houses with varied architectural expressions. It is within the Hall Lane Policy Area, an area designated for its special residential character, defined by medium and large dwellings set in spacious plots, the mature rear

gardens of which contribute to the special character of the area. The proposal involves alterations to the existing ground floor front entrance and a single storey rear extension with a roof terrace. I concur with the council that the proposal does not result in harm of any significance to the character and appearance of the area and would be in accordance with the requirements set out for such development in the Hall Lane Area Supplementary Planning Document (2009).

4. To the rear of the appeal dwelling there is an existing balcony to a bedroom that sits above a ground floor part of the house, which projects approximately 1.85 metres from the main rear elevation of the appeal dwelling. The proposed rear extension would allow for a rearward 1.5 metres extension of this balcony to create a roof terrace above the proposed ground floor extension.
5. The existing balcony is positioned on the side of the appeal dwelling nearest to 67 Hall Lane (No.67) and has an approximately 1.1 metre high open metal balustrade to all 3 sides. From my site visit it was evident that this existing balcony affords significant overlooking of the rear garden of No.67. Given that the rear part of the appeal dwelling and existing balcony are setback substantially from the rear of No.67, there is significant existing overlooking of the rear rooms of No.67 and that part of the garden nearest to that dwelling.
6. The proposal includes a 1.8 metre tall obscure glazed side panel along the full length of the north side of the proposed roof terrace. This would have the effect of screening any intrusive overlooking from the proposed roof terrace of the rear rooms of No.67 and would be an improvement on the existing situation in this regard.
7. Given the separating distances between neighbouring dwellings and the generous size of their gardens, the proposed rearward extension of the existing balcony, when combined with the screening effect of the proposed 1.8 metre tall privacy screen, would not result in any additional harmful overlooking of the rear gardens of either No.67 or other neighbouring properties. The proposal would not, therefore, result in a degree of overlooking greater than that to be expected in a developed residential area of this type and would not be to a degree reasonably experienced as intrusive or result in a loss of privacy.
8. The proposed roof terrace would be accessed from the existing bedroom and would face out into open gardens and not an enclosed space. I do not find that, when in normal domestic use in these circumstances, this would create any greater noise disturbance than that associated with the use of the garden of the appeal property or those of its neighbours and in other local gardens. I find that, when in normal domestic use, any noise impacts of the proposal would not be so great as to have an adverse impact on the living conditions of the occupiers of neighbouring dwellings.

Conditions

9. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed. The Council have expressed a wish for a condition that would remove permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. As the proposed development would replicate the circumstances of many other dwellings that benefit from this right, I do not find that there are exceptional reasons that would require the restriction of these rights.

10. The Council have also suggested a condition requiring a further permission being required before the proposed roof terrace could be used as a balcony. As this would replicate the permission given by allowing this appeal and would not, therefore, be necessary, it would not accord with the requirements for conditions as set out in the National Planning Policy Framework (2021).
11. Along with the standard conditions relating to timing of implementation and compliance with drawings, to protect the living conditions of neighbouring and future occupiers I have imposed a condition requiring the obscured glazing of the glazed screen on the north side of the proposed roof terrace to be in place at all times.

Conclusion

12. For the reasons given above, I conclude that the appeal be allowed.

Victor Callister

INSPECTOR