



Appeal Decision

Site visit made on 9 August 2022

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

an Inspector appointed by the Secretary of State

Decision date: 8th September 2022

Appeal Ref: APP/B5480/D/22/3294936

25A Herbert Road, Hornchurch RM11 3LH

- 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 M Ram against the decision of the London Borough of Havering Council.
 - The application Ref P2336.21, dated 10 December 2021, was refused by notice dated 4 February 2022.
 - The development proposed is first floor rear and front extensions.
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Decision

1. The appeal is allowed and planning permission is granted for first floor rear and front extensions at 25A Herbert Road, Hornchurch RM11 3LH in accordance with the terms of the application Ref P2336.21, dated 10 December 2021, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 6991/3, 6991/4 and 6991/5.
 - 4) The 1.8 metre side panel to that side of the balcony that is towards the boundary with 27 Herbert Road and the first floor bathroom, study and dressing room windows in the rear and flank elevations of the development hereby permitted shall at all times be glazed with obscured glass and no part of any window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the local area; and
 - the living conditions of neighbouring residential occupiers with reference to overbearing and outlook.

Reasons

Character and Appearance

3. The appeal property is a detached two storey dwelling that has previously undergone substantial alteration and extension. It is located on Herbert Road, a street fronted by other substantial detached houses of differing individual designs, which sit on large plots within the Emerson Park Policy Area, an area designated for its special residential character, defined by medium and large dwellings set in spacious and well landscaped grounds.
4. The proposal includes a first floor extension with a hipped roof that would sit above the existing garage, which projects forward from the main elevation of the existing dwelling. The extension would be slightly set in from the flank wall and front of the garage, aligning the with the flank wall of the main part of the house, thereby allowing for a hipped wrap around roof over the rest of the garage.
5. The proposal would allow for a separating distance to the boundary at first floor level of 1.75 metres, below the distance of 2.0 metres set out in the Havering Residential Extensions and Alterations Supplementary Planning Document (2011) (SPD) for such development. Design guidance given in the SPD is advice that should be considered along with the individual circumstances. In this case the proposed extension would align with the existing flank wall of the main part of the house, replicating its existing separating distance.
6. The existing single storey garage has a flat roofed box like appearance that does not integrate wholly successfully with the character and appearance of the rest of the house. The proposed extension would be constructed with materials and details to match the main house. With its hipped roof form, the proposed front extension would, therefore, reflect existing roof forms and the character and appearance of the main part of the appeal dwelling, thereby integrating successfully with the main part of the house. As such, the proposed front extension appears to respond positively to the form of the existing dwelling and to provide an architecturally congruent element that would contribute positively to the character and appearance of the appeal dwelling and that of the local area.
7. The proposed first floor rear extension would align with the rear wall of the existing kitchen/dining area, with a small balcony projecting, but would be set in from the flank wall adjacent to 27 Herbert Road (No.27). Thereby achieving the separating distance to the boundary set out in the SPD for such development.
8. The proposed hipped roof extension would be located towards the centre of the house and would, by matching the depth of the existing single storey kitchen/dining area, be approximately 9 metres deep. This would not extend as far to the rear of the appeal dwelling as the existing single storey swimming pool extension. Design guidance in the SPD sets out that only a maximum of 4m depth should be considered for such development.
9. As I have set out above, the design guidance in the SPD should be considered along with individual circumstances. Given the substantial scale of the appeal dwelling and the proposed central location of the extension, which would be

set in from the flank wall, I find that the scale, extent and form of the proposal would be commensurate with the scale of the appeal dwelling and would appear as a proportionate addition that would be subservient to its character and appearance.

10. Given the nature and substantial scale of neighbouring properties and the extensions evident from my site visit, the proposal would reflect the established character and appearance of the local area. As such, the proposal would, therefore, be in accordance with the requirements set out for such development in the Emerson Park Policy Area Supplementary Planning Document (2009).

Living Conditions

11. The proposal would result in the existing dwelling and proposed extension projecting approximately 12.3 metres further than the rear wall of the main house at no.27. There is, However, a substantial single storey extension at the rear of No.27 that stretches along the entire boundary between the back gardens of the two properties, which would result in there being very limited views of the proposal from the rear rooms and garden of No.27. For those views that are afforded, the central location and significant setting back of the proposed rear first floor extension from the boundary with No.27, along with its hipped roof form, would break up the bulk and massing of the proposal.
12. As the proposal would appear to be integrated subserviently into the appeal dwelling, I do not find that the design, bulk and massing of the proposal would be such that it would have the appearance of a 'wall of development' as stated by the Council. As such, the proposal would not be experienced as overbearing or intrusive. Given the scale of the properties concerned, the extent of their gardens, the long single storey rear extension at No.27 and the separating distances involved, the proposal would not, therefore, have any significant harmful effect on outlook from this neighbouring property.

Other Matters

13. Concerns from other interested parties have been brought to my attention regarding overshadowing and loss of privacy. To mitigate against loss of privacy a suitable condition can be attached to require obscured glazing as appropriate. Given the height, form and setback of the proposed rear extension, the southerly orientation and separating distances involved, any overshadowing of the rear garden would be limited and would only be apparent in the very late afternoon and only for the middle part of the year. Any overshadowing would not, therefore, be to a degree that would cause any significant harm to the living conditions of the occupiers of No.27.

Conditions

14. 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.

15. Along with the standard conditions relating to timing of implementation and compliance with drawings, to protect the character and appearance of the appeal property and the local area I have attached a condition requiring materials that match the existing dwelling. To protect the living conditions of neighbouring and future occupiers I have imposed a condition requiring obscure glazing of certain windows and the flank glazed screen to the proposed balcony.

Conclusion

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

Victor Callister

INSPECTOR