



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: 22 September 2022

Appeal Ref: APP/B5480/D/22/3296585

21 Maple Avenue, Upminster RM14 2LF

- 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 Adrian Fennessy against the decision of the London Borough of Havering Council.
 - The application Ref P2068.21, dated 26 October 2021, was refused by notice dated 10 February 2022.
 - The development proposed is a ground floor front extension, first floor and loft side extension with new rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. As the description of development varies between the documents submitted for the purposes of this appeal, I have used the description from the Council's decision notice as this concisely and accurately describes the proposal.

Main Issues

3. The main issue is the effect of the proposed development on the living conditions of neighbouring residential occupiers with reference to outlook and light.

Reasons

4. The appeal dwelling is a two storey semi-detached house on a street of similar properties within a wider residential area. It has been the subject of earlier extensions at ground and roof levels, including the conversion of the loft space involving a change from a hipped roof to a gable end and a large rear dormer.
5. The proposal is for a ground floor forward extension of the existing garage that would align with the main front wall of the appeal dwelling. Above the garage, at first floor and roof level, the proposal includes a two storey side extension with a dormer at roof level. The proposed dormer would match the design of the existing dormer extension to the main roof of the house.
6. The proposed first floor and roof extension would be set back from the front elevation of the appeal dwelling and would adjoin with a side extension to a

neighbouring semi-detached house at 19 Maple Avenue (No.19). The proposed 2 storey extension would project beyond the rear wall of this neighbouring extension at both first and roof levels. To the rear, the proposed extension would have a staggered set back from the neighbouring extension, which would result in it aligning with a notional 45 degree angle taken from the centre of the window at the rear of the extension at No.19. However, despite this staggered form, the proposed 2 storey side extension and proposed dormer would be in close proximity to the first floor window in the rear wall of the extension at No.19.

7. Although the extension at No.19 appears to be to a bedroom with a front and rear window, the rear window provides an outlook to the rear garden of that property. The proximity of the bulk of the proposed extension to the appeal dwelling would result in it having an enclosing effect to the rear window of the extension to No.19, which would be experienced by its occupiers as overbearing.
8. Given the position of the proposed extension to the south of the extension at No.19, the resulting enclosure to its rear first floor window would also have the effect of reducing the amount of daylight and sunlight available to this window. Whilst the proposal would only extend the period in the early part of the day when sunlight is not currently available to this window, the degree of enclosure resulting from the proposal would have a more significant effect on daylight more generally available to this window for a greater part of the day.
9. The proposed extension would not, therefore, be in accordance with the guidance given, with regard to the effect on outlook and overshadowing, in the Havering Residential Extensions and Alterations Supplementary Planning Document (2011). For the reasons given above, I find that the proposal would cause harm to the living conditions of existing and future occupiers of No.19, contrary to policy 7 of the Havering Local Plan (2021), which seeks to ensure that development does not have an adverse effect on the quality of life of existing and future residents.

Conclusion

10. The appeal is dismissed

Victor Callister

INSPECTOR