



Appeal Decision

Site visit made on 27 September 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/B5480/D/22/3299880

98 Albany Road, Hornchurch, RM12 4AG

- 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 Scott Nicholls against the decision of the London Borough of Havering Council.
 - The application Ref P0361.22 dated 3 March 2022, was refused by notice dated 28 April 2022.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 98 Albany Road, Hornchurch, RM12 4AG in accordance with the terms of the application ref: P0361.22 dated 3 March 2022, subject to the following conditions:
 - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
 - 2) The development hereby permitted shall be undertaken in complete accordance with the following approved plans: 98-AR 03a (October 2021) and 98-AR 04b (October 2021);
 - 3) The materials used in development hereby permitted shall match those of the existing dwelling unless details are submitted to, and approved in writing by, the Local Authority;
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Main Issue

2. The main issue is the impact of the proposal upon the residential amenity of neighbouring occupants at no. 96 Albany Road (no. 96) with regard to intrusive and unneighbourly impact.

Reasons

3. The appeal site is a two-storey semi-detached dwelling within a residential area. At the time of my site visit, and as can be seen from the plans, I note

that the pair of dwellings which the appeal site is part of have a staggered relationship with the adjacent dwellings to the North. This means that immediate neighbour, no. 96, is set forward of the appeal site. I acknowledge from the submissions of both parties that this proposal is a resubmission following a previous refusal, however, it falls to consider the proposal as submitted before me now.

4. Whilst no. 96 is forward of the building line of the appeal site I note, from my site visit, that the appeal proposal would be separated from the main bulk of the neighbouring property when considering the original footprint of no. 96. There is noted to be a single storey extension, to the shared boundary, but I still find there is sufficient separation from habitable rooms and much of the general amenity space and garden when taking into account overall plot size. In addition, despite being staggered the properties are side by side with natural views, from windows, directed down the respective gardens. This would ensure there would not be an overbearing or intrusive impact sufficient to warrant refusal.
5. I do not find the proposal would impact upon neighbouring occupiers basic ability to look outwards a reasonable distance i.e. impact upon outlook. Views towards the appeal proposal from within the amenity area of no. 96 would still face two storey built form, albeit closer to the boundary, but again this would not change the ability to look outwards or restrict existing views out from the garden or patio area. Overall whilst I note the patio at no. 96, it has a large garden plot, and I find that the proposal would not impact upon the vast majority of amenity space available to existing and future occupiers. An acceptable standard of amenity and space would be maintained.
6. The Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD) sets out that as a general rule semi-detached houses can be extended, from the rear wall, up to 4 metres in depth for a semi-detached dwelling. The Council notes the proposal does not exceed the spirit of this guidance but note the staggered relationship between properties which would result in the proposal extending to 4.45m beyond the rear elevation of no. 96. Due to this, consideration has been had as to the infringement of the 45-degree notional line taken from the 4m dimension on the property boundary, beyond the rear elevation of no. 96, as would usually be the assessment for extensions of greater depth than 4 metres to ensure a reasonable level of amenity is afforded to neighbouring properties.
7. No. 96 lies to the North of the appeal site and, due to the staggered relationship previously outlined, the proposed extension would project further back into the plot than this neighbouring property. The 45-degree rule has the objective of ensuring that any proposed side extension does not result in undue loss of sunlight or daylight to the affected habitable room of a neighbouring property. Location of no. 96, to the North, means that I do not find that there would be a significant overshadowing effect on the amenity with regard to sunlight or daylight.
8. On balance I do not find that the proposal would result in impacts sufficient to warrant refusal, any impact upon neighbours would be modest and limited to a small proportion of an overall large plot with a neighbouring dwelling separated from the shared boundary. The proposal would not be unneighbourly taking into account the site characteristics of both the appeal site and no. 96. Whilst

a lack of objection is a neutral consideration, I do note a letter from neighbouring occupiers specifically confirming a lack of objection.

9. The proposal would be consistent with LP Policy 7 which supports proposals that will not result in unacceptable loss of daylight and sunlight and seeks to protect the amenity of existing residents and LP Policy 26 which requires proposals to be of a high architectural quality and design. The proposal would also be consistent with the objectives of the SPD guidance with regard to residential amenity (not unacceptably reducing the amenity of neighbouring properties). Whilst the proposal may breach the 45-degree code, as outlined above, due to the orientation of the properties (no. 96 being North) I do not find the proposal would result in undue loss of daylight or sunlight.

Other Matters

10. Whilst each case should be considered on its own merits I note the plans submitted which were approved, under reference P0564.16, for 21 Saunton Road as well as the google images that have been provided. These do bare strong similarities to the proposals before me including relationship with the neighbouring properties. I also note that they extend beyond the original rear wall of the host dwelling in comparison to the proposal before me in terms of overall bulk and massing. I note that this decision would have pre-dated the Havering Local Plan 2021 (LP) it would have been assessed against the same SPD. It is key, in maintaining public confidence in decision making, that decisions are assessed consistently.
11. The Council's report discusses, and provides a concluding quote from, an appeal decision (APP/B5480/D/20/3255013). The appellant's submissions respond to this, however, neither party have submitted information such as the plans to which this decision relates. As a result of this the discussions surrounding this case can be of limited weight as I am unable to draw any conclusions as to the site facts in the absence of further information.

Conditions

12. The Council have suggested four standard conditions which I have applied. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent.
13. A materials condition is required to ensure the proposal matches the host dwelling and that any deviations in materials from existing are approved by the Council to ensure an appropriate finish. A condition preventing new windows and openings in the new flank wall facing no. 96 is required to prevent further openings, which could impact upon neighbouring privacy, without appropriate assessment and permission.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR