

Appeal Decision

Site visit made on 22 September 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2022

Appeal Ref: APP/B5480/D/22/3292859

16 Lodge Lane, Romford RM5 2EJ

- 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 Haddisur Rahman against the decision of the Council of the London Borough of Havering.
 - The application Ref P1965.21, dated 13 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is retrospective application for outbuilding at rear of garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant contends that the outbuilding was built as permitted development, although the application sought planning permission for the proposal as described above. Whether or not such permission is required is not a matter for me to decide in the context of this appeal. It is open to the appellant to apply for a determination under section 192 of the 1990 Act. My determination of this appeal under section 78 of the same Act does not affect the issuing of a decision under section 192.

Main Issue

3. The main issue is the effect of the outbuilding on the character and appearance of the surrounding area.

Reasons

4. The appeal property is a semi-detached chalet bungalow in a residential road of similar property types.
5. Policy 7 of the Havering Local Plan 2016-2031 (2021) concerning residential design and amenity says that such development should be of a high design quality. The *Residential Extensions and Alterations* Supplementary Planning Document (SPD) indicates that outbuildings should be subordinate in scale to the existing dwelling and to the plot; and that outbuildings should not detract

from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling¹.

6. No 16 and neighbouring dwellings have generous rear gardens, which are of considerable depth relative to the modest size of the dwellings themselves. The outbuilding is located to the rear part of the garden and, therefore, accords with the SPD in this regard. Due to the size of the garden it is well separated from the host dwelling. Seen from the front it appears to be of proportionate width, inset from the side boundaries and of limited height. However, seen from the side the overall size of the building is apparent. Its depth within the garden is significant, with an extensive footprint and profile. As such, it greatly exceeds the usual proportions of a typical domestic outbuilding, examples of which can be seen in neighbouring gardens. Moreover, the use of brick and render combined with its size gives it a solidity and presence greater than the smaller outbuildings typically found in residential gardens.
7. The relative ground levels and tree cover are not sufficient to screen the building from views from the surrounding gardens. In particular, due to its significant depth and height above the boundary fences it is seen as a dominant and overbearing feature from the neighbouring gardens. Therefore, taking these findings together, it is not subordinate to the host dwelling and is not unobtrusive, contrary to the SPD.
8. I acknowledge that residential outbuildings can be built as permitted development without a requirement for planning permission. However, that is not the case here, as noted above, and therefore I have considered the proposal on its planning merits. The appellant also refers to the need for the outbuilding in terms of use of the house and land. However, this is insufficient reason to overcome the harm that has been found.
9. Accordingly, for these reasons, I conclude that the outbuilding has an unacceptably harmful effect on the character and appearance of the surrounding area. Consequently, it is contrary to Policy 7 of the Havering Local Plan 2016-2031 and to the SPD, as described above.

Other Matters

10. I have had regard to other matters raised by an interested party. I accept from the findings with regard to the main issue that the outbuilding has an overbearing and dominant effect on the outlook from the rear parts of neighbouring gardens. As such, the outbuilding due to its height, depth and structural presence harmfully comprises the reasonable use and enjoyment of the neighbouring gardens.
11. While the side windows are above the level of the boundary fence shared with No 18, the view from these windows is no different from the view that would be available between gardens without the building. Consequently, the presence of the building does not result in a loss of privacy. I have no substantive evidence before me to conclude that the siting of the building results in increased risk of flooding to neighbouring properties.

¹ Paragraph 9.5

12. I note the appellant's engagement with the Council concerning the form of the building and that the necessary building regulations requirements have been sought. However, these matters do not have a direct bearing on this appeal, which is concerned with the planning merits of the proposal.

Conclusion

13. For the reasons given, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR