
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: 24 October 2022

Appeal Ref: APP/B5480/D/22/3293383

285 Carter Drive, Romford RM5 2TT

- 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 Vullent Krasniqi against the decision of the Council of the London Borough of Havering.
 - The application Ref P2102.21, dated 2 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is retrospective application to replace existing shed flat roof with pitched roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the replacement roof on the character and appearance of the surrounding area; and its effect on the living conditions of neighbouring residents of Nos 283 and 287 Carter Drive, with regard to noise and disturbance.

Reasons

Character and Appearance

3. The appeal property is a semi-detached two storey dwelling in a residential road of similar property types and some detached dwellings. The surrounding area is residential in character.
4. Policies 7 and 26 of the Havering Local Plan 2016-2031 (2021) and Policy D4 of The London Plan 2021 all concern good design and include the requirements that development should be of high architectural quality and respond to the existing character of an area. 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.

¹ Paragraph 9.5

5. The outbuilding is located to the rear part of the back garden in accordance with the SPD. It occupies the full width of the garden and the former flat roof is evident, which would have resulted in a building of relatively modest height and proportions. However, the replacement pitched roof, which had largely been completed at the time of the inspection, materially changes the size of the building. It adds considerable height, bulk and mass which, combined with the width, exceeds the usual proportions of a typical domestic outbuilding, examples of which can be seen in neighbouring gardens.
6. The tree cover that exists is not sufficient to screen the building from views from the surrounding gardens. In particular, due to its proximity and height above the boundary fences it is seen as a dominant and overbearing feature from the neighbouring gardens. Therefore, taking these findings together, due to its overall size with the extended roof in place, it is not subordinate to the host dwelling and is not unobtrusive from surrounding views, contrary to the SPD.
7. Accordingly, for these reasons, I conclude that the replacement roof has an unacceptably harmful effect on the character and appearance of the surrounding area. Consequently, it is contrary to Policies 7 and 26 of the Havering Local Plan 2016-2031, to Policy D4 of The London Plan 2021 and to the SPD, as described above.

Living Conditions

8. Neighbouring dwellings have outbuildings and seating areas in a similar position in their gardens to the appeal building. As such, there is no basis to suggest that noise arising from the outbuilding would be any greater than that occurring from surrounding gardens. However, while the Council's reason for refusal only relates to noise and disturbance, I agree with the assessment in the officer's report, and as found above, that the extended building has an overbearing and dominant effect on the outlook from the rear parts of neighbouring gardens. As such, the outbuilding due to its height and structural presence harmfully comprises the reasonable use and enjoyment of the neighbouring gardens.
9. Consequently, I conclude that while there is no material harm caused to the neighbouring occupiers' living conditions with regard to noise and disturbance, there is such harm with regard to outlook. There is, therefore, conflict with Policy 7 of the Havering Local Plan 2016-2031, which states that the Council will support developments that do not result in an unacceptable loss of outlook.

Other Matters

10. I have had regard to representations from an interested party. There is no basis to conclude due to different ground levels or the position of windows that the outbuilding would facilitate particular views into neighbouring gardens to the extent that there would be material harm resulting from a loss of privacy.

Conclusion

11. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson INSPECTOR