



Appeal Decision

Site visit made on 17 October 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal Ref: APP/B5480/D/22/3304613

176 Moor Lane, Havering, Upminster RM14 1HF

- 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 Al-Khafaji against the decision of the Council of the London Borough of Havering.
 - The application Ref P0690.22, dated 28 April 2022, was refused by notice dated 5 July 2022.
 - The development proposed is the addition of a first floor and part single, part two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of a first floor and part single, part two storey rear extension at 176 Moor Lane, Havering, Upminster RM14 1HF in accordance with the terms of the application, Ref P0690.22, dated 28 April 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 176ML-PL-00, 176ML-PL-01, 176ML-PL-02, 176ML-PL-03, 176ML-PL-04, 176ML-PL-05, 176ML-PL-06, 176ML-PL-07, 176ML-PL-08, 176ML-PL-09.
 - 3) 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.
 - 4) The extension hereby permitted shall not be occupied until the windows on the first floor northern side elevation of the extension, serving an en-suite and bathroom, have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. The description of development above is taken from part E of the appeal form and the Council's Decision Notice. This is in the interest of clarity.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal property is sited on the corner of Moor Lane and Limerick Gardens. Whilst the property sits within a row of 6 bungalows, both streets are residential suburban roads characterised by a variety of dwelling types, with detached bungalows, detached two storey dwellings, semi-detached two storey dwellings and a two storey terrace in the immediate vicinity of the appeal property.
5. The addition of a second floor to the existing single storey property would not therefore appear incongruous in this mixed context. When looking down Moor Lane from the north it would be seen in the context of the existing two storey dwellings to the south and opposite and would not appear overly prominent. Given the remaining separation gap, the increase in height of the appeal dwelling would also not overwhelm the neighbouring bungalow at No 178.
6. I therefore conclude that the proposed development would maintain the character and appearance of the surrounding area. The proposal would therefore comply with Policy 7 of the Havering Local Plan 2016-2031 (2021), which sets out that development should be of high quality. There is also no conflict with the advice set out in the Residential Extensions and Alterations Supplementary Planning Document (2011) which generally aims to ensure that householder development is sympathetic to the existing property and the street scene.

Conditions

7. A list of suggested conditions has been provided by the Council. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the suggested wording.
8. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty. The requirement for materials to match the existing house is necessary to ensure that the extensions are in keeping with the property and area.
9. A condition to ensure that the two first floor side facing windows on the northern elevation of the extension, serving an en-suite and a bathroom, are obscure glazed is necessary to prevent direct and unacceptable overlooking of No 178. However, a condition preventing any other side elevation window, in the interests of privacy, is unnecessary, as any first floor side elevation window would have to be obscure glazed to be permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Conclusion

10. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the

reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR