



Appeal Decision

Site visit made on 4 October 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2022

Appeal Ref: APP/B5480/D/22/3304620
20 Roseacre Close, Hornchurch RM11 3NJ

- 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 David Blake against the decision of the Council of the London Borough of Havering.
 - The application Ref P0540.22, dated 3 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is two storey side extension to include new garage extensions and internal remodelling.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension to include new garage extensions and internal remodelling at 20 Roseacre Close, Hornchurch RM11 3NJ, in accordance with the terms of the application, Ref P0540.22, dated 3 April 2022, subject to the conditions set out in the attached schedule.

Procedural Matter

2. There was a typographical error with a drawing number on the Council's Decision Notice. At my request, the parties have clarified the list of drawings that were before the Council when it made its decision on the planning application. I have determined the appeal based on those drawings.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area.
 - the living conditions of the occupiers of No 18 Roseacre Close, having particular regard to outlook and access to light to the garden.

Reasons

Effect on the character and appearance of the area.

4. The appeal property is a two storey house that is situated amongst a group of detached houses, surrounding the turning head at the end of the residential cul-de-sac.
5. Despite being of a similar size, I saw that the houses are of different styles, with some having front projecting gables and some featuring dark coloured boarding to their walls. They are set back behind open frontages and the

spaces between them are irregular and of varying width. For example, there is a noticeably wide space between the corner plots at Nos 27 and 29, which is not replicated on the opposite side of the turning head by the appeal property and No 18. The spacings between the appeal property and Nos 22, 31 and 29 are relatively narrow.

6. For these reasons, the built frontage surrounding the turning head does not display a strong sense of uniformity or rhythm. The defining characteristics of the locality are a sense of openness and spaciousness, that is derived from the wide turning head and the open frontages to the properties surrounding it.
7. The gabled roof style and matching materials of the proposed extension would respect the appearance of the host property. Although it would extend forwards of the host property, the extension would not project beyond the front wall of No 18, or as far forward as the existing double garage. In this position, the proposal would not harmfully intrude on the spacious open frontage to the turning head; indeed the removal of the large double garage would enhance openness in this location.
8. The extension's angled façade would be relatively narrow in comparison to that of the host property, and it would form a comfortable transition between it and No 18, given their relationship to the street scene and to each other. The gap between the appeal property and No 18, would be narrowed by the appeal proposal, but the retained gap would be broadly comparable to the spacings between other properties fronting the turning head. As such, it would not appear incongruous in the street scene.
9. For these reasons, I conclude that the appeal proposal would respect the character and appearance of the host property and area. It therefore complies with Policy 26 of the London Borough of Havering Local Plan (2021), (the "HLP"), which requires new development to complement the local area, including the established scale, and rhythm of buildings and frontages, amongst other objectives. Furthermore, the proposal accords with the guidance in the London Borough of Havering Local Development Framework - Emerson Park Policy Area Supplementary Planning Document (2009), and the London Borough of Havering Residential Extensions and Alterations Supplementary Planning Document (2011), (the "SPD"), which require extensions to reflect the design of the host property and be compatible with the character of the local street scene, amongst other objectives.

Effect on the living conditions of the occupiers of No 18 Roseacre Close.

10. No 18, has a relatively wide and spacious rear garden, which increases in width towards its rear boundary and provides occupiers with a relatively open outlook. I note that there is a swimming pool close to the boundary with the appeal property and a conservatory.
11. The extension would be built close to the party boundary with No 18. Closest to the boundary would be the single storey flat roofed section of the proposed extension and the two storey element would be set further away from it. The proposal would take the built form of the host dwelling closer to No 18. However, because of the orientation of the respective dwellings and the design of the proposed extension, there would be no unduly enclosing effect caused as a result. The proposal would not unduly diminish the sense of openness from within the spacious rear garden of No 18, including from its swimming pool. As

such, it would not have a dominant and overbearing effect on the occupiers outlook from their garden.

12. The scale and position of the extension would affect sunlight reaching the garden and conservatory of No 18, leading to some loss of light and overshadowing, as illustrated in the appellant's document titled: "Sun study of existing and proposed". However, the extent and duration of this would be likely to be limited and would affect only a relatively small area of the spacious garden and for a relatively short period of time. The solid tiled roof of the conservatory would limit the effect of overshadowing to its interior and its relatively large windows would maintain good access to light. The reduction in light levels would be unlikely to result in the garden area and conservatory being less pleasant to use.
13. I conclude that the proposal would not result in harm to the living conditions of the occupiers of No 18, in accordance with Policy 7 of the HLP (2021), and the SPD (2011), which require new development to protect the living conditions of existing residents.

Conditions

14. To ensure that the development respects the appearance of the host property, it is necessary to impose conditions requiring it to be carried out in accordance with the submitted drawings and constructed from matching materials.
15. Paragraph 54 of the Framework (2021), requires clear justification for restricting national permitted development rights. I am satisfied that the use of the flat roof of the extension as a garden area and the insertion of windows and doors in the gable wall at first floor level, could have negative effects on the living conditions of the occupiers of No 18, particularly in respect of privacy. Those potential effects justify future assessment and therefore I have imposed the conditions recommended by the Council, with amended wording to ensure precision.

Conclusion

16. For the reasons given above, I conclude that the appeal proposal is consistent with the development plan as a whole. There are no considerations that indicate otherwise. The appeal should be allowed.

G Sylvester

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: nos. 2108(PL)001 P2, 2108(PL)010 P2, 2108(PL)011 P1 and 2101(PL)012 P1.

- 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) Notwithstanding the provisions of Class A, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or door opening shall be constructed at first floor level on the side facing gabled elevation of the extension hereby permitted.
- 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.