



Appeal Decision

Site visit made on 7 November 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/B5480/D/22/3291657

76 The Drive, Collier Row, Romford RM5 3UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Victor Costa against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0516.21, dated 20 November 2021, was refused by notice dated 22 December 2021.
 - The development proposed is a single-storey rear extension with an overall depth of 6m, a maximum height of 3m and as eaves height of 3m.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (hereafter "the GPDO") grants planning permission for the enlargement, improvement or other alteration of a dwelling house under Schedule 2, Part 1, Class A, subject to limitations and conditions set out in paragraphs, A.1 to A.4. The local planning authority is required to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The main issue is therefore the effect of the proposed development on the amenity of the occupiers of the neighbouring properties at 78 The Drive and 71 Faircross Avenue, with particular regard to loss of privacy, outlook, and whether or not it would be overbearing.

Reasons

4. The appeal property is a two-storey semi-detached house, at an angle to the crossroads junction of The Drive and Faircross Avenue. It has an existing single-storey rear extension projecting to a depth of just under 2.7m beyond the main rear wall. The proposed development would see this replaced with a single-storey extension 6m in depth; as with the existing extension this would not quite extend across the full width of the building, being around 0.7m narrower. The new extension would have an eaves height (and maximum height above ground level) of 3m.

5. The appeal property is attached to No 71 Faircross Avenue; rather than being built to the same line as other dwellings in their own street, the pair are angled to face the junction of The Drive and Faircross Avenue. The neighbouring property on the other side is No 78 The Drive; because of the alignment of the appeal property its rear elevation is angled towards the rear garden of No 78. I visited both these immediate neighbouring properties while carrying out my site visit and was able to view the appeal site from their rear gardens.
6. No 71 Faircross Avenue does not have any form of rear extension. The existing rear extension on the appeal property sits alongside, and perpendicular to, a ground floor window serving a habitable room within No 71. The boundary fence between the two properties' rear gardens is, mostly, angled away from the rear of the appeal property such that, moving towards the rear, the proposed extension would become increasingly distant from the rear garden of No 71. However, the extension would still be close to the rear ground floor window of No 71 and would extend further than the existing extension. As a result of its depth and proximity, it would be an overbearing feature which would lead to some loss of outlook for that neighbouring property.
7. On the other side, the appellant's evidence suggests that the rear wall of the extension would, at its closest, be 2.34m from the nearest point of No 78 The Drive. However, the spatial relationship between the two properties means that the rear elevation of the appeal property is angled towards the rear garden of No 78. The proximity of the proposed extension to the boundary means that it would be very overbearing when seen from the rear garden of No 78. There would also be a considerable loss of privacy, and a perceived loss of privacy, for the occupiers of No 78 arising from the combination of the proximity of the proposed extension and the full-height patio doors and windows on its rear elevation.
8. Notwithstanding that the submitted drawings show that the proposed extension would not be quite as tall as the existing one (my assumption being that this would be necessary in order to comply with the height limitations of Class A of the GPDO), the slight slope of the land away from the dwellings would increase the impact of the proposed extension. This would make the extension a particularly prominent feature when seen from the rear garden of No 78, exacerbating its harmful overbearing effect and its impact on privacy.
9. I find that there would be no loss of privacy caused in respect of No 71 Faircross Avenue, nor would the development lead to a loss of outlook in respect of No 78 The Drive. Nevertheless, for the reasons I have given in the preceding paragraphs I conclude that the proposed extension would be harmful to the amenity of the occupiers of those neighbouring properties.

Conclusion

10. For the reasons set out above I conclude that the appeal should be dismissed.

M Cryan

Inspector