



Appeal Decision

Site visit made on 13 December 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 DECEMBER 2022

Appeal Ref: APP/B5480/D/22/3298637

68 Frinton Road, Havering, Romford RM5 2ER

- 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 GPDO).
 - The appeal is made by Mr & Mrs Spencer-Andrews against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0085.22, dated 18 March 2022, was refused by notice dated 27 April 2022.
 - The development proposed is single storey rear extension with an overall depth of 3.5m, a maximum height of 3.5m, and an eaves height of 2.6m (Prior Approval).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The name of the appellants given on the appeal form differs from that given on the application form. It has been confirmed that the details on the application form are correct, and I have therefore used them in the heading above.

Main Issue

3. The main issue is the effect of the proposal on the amenity of adjoining premises with regard to light and outlook.

Reasons

4. The appeal site is part of a terrace of dwellings. Although the appeal site did not have a rear extension at the time of my visit, neighbouring properties have ground floor extensions projecting to the rear.
5. An objection to the proposal has been received from a resident of 69 Frinton Road which refers to the effect of the proposal on daylight reaching a bathroom window, amongst other things. It is therefore necessary to consider the amenity of adjoining premises in accordance with the provisions of the GPDO. As well as loss of light, the Council's officer report also refers to the impact on the outlook from No 69.

6. The appellants refer to the BRE Guidance¹ which states that “*Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed*”. However, that does not mean that consideration of the effect of loss of light on bathroom windows should be set aside. Having regard to the objection to the proposal as well as the comments of the Council I consider that it is appropriate to consider the effect of the proposal on the neighbouring bathroom window.
7. The proposed extension would be located in close proximity to the ground floor bathroom window of No 69. Due to its proximity and degree of projection, the extension would lead to a significant loss of light to that window, resulting in a gloomy and oppressive environment for neighbouring occupants and most likely leading to their reliance on artificial light in that room.
8. The bathroom window is obscure glazed, and on that basis the proposal would not harm the outlook from that window.
9. There is a rear extension at No 69 which is offset from the boundary with the appeal site, and which the evidence suggests serves a kitchen. This extension has a window to the rear which I consider would provide suitable natural light for that room. The appellants also contend that the proposal would have no unacceptable impacts on this neighbouring extension. However, there is a window and a door to the side of this room, and due to its proximity and scale the proposal would have an unacceptable overbearing effect on the outlook from that window and door, as well as an enclosing effect on the access route to the garden.
10. I have had regard to the fallback position referred to by the appellants, where a 3m long extension could be erected to the rear under the property’s permitted development rights, in comparison to the 3.5m extension which is the subject of this appeal. I am mindful that a 3m extension may have a harmful effect on the living conditions of residents of no 69 in respect of both light and outlook. However, even allowing for the likelihood of such an extension being constructed, it would not be appropriate to allow this appeal which would lead to a larger extension which would exacerbate the harm arising from the fallback scheme.
11. Reference has been made to the Council’s Residential Extensions and Alterations SPD 2011 (the SPD) and that the proposal would exceed the guidelines of that document. The SPD is guidance and may therefore be applied flexibly, but given the circumstances of the appeal proposal this does not lead me to a different conclusion in respect of the harm that I have identified. Reference has also been made to policy 7 of the Havering Local Plan 2021 which refers to loss of outlook, daylight and sunlight. The proposal would conflict with the amenity considerations of policy 7 insofar as it is relevant to this main issue, although this policy is not referred to in the Council’s reason for refusal.
12. I conclude that the proposal would lead to unacceptable harm to the amenity of the adjoining premises of No 69 with regard to light and outlook. The appeal should therefore be dismissed.

David Cross INSPECTOR

¹ Site Layout for Planning for Daylight and Sunlight – A guide to good practice