



Appeal Decision

Site visit made on 26 November 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/B5480/D/22/3305676

49 Little Gaynes Lane, Havering, Upminster RM14 2JR

- 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 Mrs Sharon Day against the decision of the Council of the London Borough of Havering.
 - The application Ref P0904.22 dated 27 May 2022, was refused by notice dated 2 August 2022.
 - The development proposed is two storey side extension and ground floor rear extension including demolition of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of No. 45 Little Gaynes Lane.

Reasons

4. The site is within a predominantly residential area with properties of varying form, in general there is a harmony to the streetscene in terms of design features and materials. The appeal site is a semi-detached property which has been extended historically, the attached property No. 51 has also been extended and includes a two storey side extension.
5. The proposed development would extend the built form up to the shared boundary of the appeal site with No. 45 Little Gaynes Lane, which is a detached property. There is an existing garage located adjacent the boundary, set back into the rear garden of the appeal site. The existing gap between the appeal property and No. 45 offers a degree of openness between the plots.
6. Windows exist in the side elevation of No. 45 which I understand serve a kitchen/dinning room (which is served by patio door in the rear elevation) and a staircase, landing/study area. A gap would be retained between No. 45 and the shared boundary however due to the scale and position of the proposed

development the outlook from the neighbouring property to the appeal site would be oppressive.

7. The Havering Residential Extensions and Alterations Supplementary Planning Document (2011) (the SPD) in principle supports development of single storey rear extensions on semi-detached properties of up to 4m. The Appellant confirms that the proposed single storey rear extension extends to 3.9m and therefore complies with the guidelines contained within the SPD.
8. Notwithstanding this, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
9. In this instance the appeal property extends further back into the plot than the built form of No. 45. The combined mass of the two storey extension which would project beyond the rear elevation of the neighbouring property in addition to the single storey rear extension along the shared boundary would be a stark addition to the property, appearing overbearing and unduly dominant to the occupants of the neighbouring property.
10. I observed during my site visit that other properties in the area have been extended and altered. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merits of the appeal proposal. The presence of other two storey side extensions does not persuade me that the proposed development in light of the relationship with the neighbouring property, No. 45 should be allowed.
11. The Council do not have concern with regard to the effect of the proposed development on the living conditions of the occupiers of the neighbouring attached property No. 51. I do not disagree.
12. I conclude that the proposed development would harm the living conditions of the occupants of No. 45 Little Gaynes Lane. There is conflict with Policies 7 and 26 of the Havering Local Plan 2016-2031 (2021) which amongst other things seeks to protect the amenity of existing and future residents.

Conclusion

13. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR