The Planning Inspectorate

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: 4th January 2023

Appeal Ref: APP/B5480/D/22/3305002

64 Herbert Road, Hornchurch RM11 3LL

- 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 Jenny Carr against the decision of the Council of the London Borough of Havering.
- The application Ref P2422.21 dated 21 December 2021, was refused by notice dated 20 June 2022.
- The development proposed is single storey rear/side and front extensions, and single storey annexe in rear garden to main house.

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 Issues

3. The main issue in this appeal are the effect of the proposed development on (i) the character of the area; (ii) the living conditions of future occupants of the annex; and (iii) trees.

Reasons

Character and Appearance

4. The site is within a predominantly residential area with properties of varying form. The site lies within the Emerson Park area which is one of the most mature and pleasant residential districts in the Borough. It has a distinctive character of varied and well-maintained single family detached dwellings in spacious and well landscaped grounds.

5. The appeal site has a modest sized rear garden. The proposed development would extend to a significant proportion of the existing private amenity space associated with the main property. The location of the proposed annex would be lower than the existing property and surrounded on three sides by a high boundary enclosure.

6. Whilst the proposed annex would not be visible from public vantage points, it would be visible to the surrounding properties. The scale of the proposed annex would be prominent in the garden, with limited garden remaining, which would be contrary to the prevailing character of the area.

7. The proposed extension to the existing property is modest in scale complimenting the form and design of the existing building. I find that the proposed single storey extensions would not harm the character of the area.

8. Notwithstanding this I conclude that the proposed annex would harm the character of the area. There is conflict with Policies 7 and 10 of the Havering Local Plan 2016-2031 (2021) (the Local Plan) which amongst other things seeks to ensure developments are of high quality.

Living Conditions

9. Due to the location of the proposed annex, set at a lower level than the main property and relatively screened by boundary enclosures, the proposed development would not compromise privacy to neighbouring properties via overlooking.

10. The use of the outbuilding as an annex is proposed to be associated with the main property; on this basis I find that the comings and goings would not exacerbate those already occurring.

11. Notwithstanding this the Council's Residential Extension and Alterations Supplementary Planning Document (2011) (the SPD) provides planning guidance for annexes and dependent relatives accommodation. The guidance requires that an annex should have shared facilities with the main dwelling to ensure it does not become a self-contained unit. In addition, the scale of the granny annex should be subordinate to the main dwelling. The proposed annex could function as a self-contained unit and given its scale would not be subservient to the main dwelling.

12. A bedroom window in the annex is proposed within close proximity to the boundary enclosure. The outlook from this window would be restricted and oppressive to occupiers of the annex.

13. I conclude that the proposed development would harm the living conditions of future occupants of the annex. There is conflict with Policies 7 and 10 of the Local Plan which amongst other things seeks to protects the amenity of existing and future residents.

14. There is conflict with Policy D6 (Housing Quality and Standards) of the London Plan (2021) which advises that housing development should be of high-quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of occupiers.

Trees

15. Trees within the appeal site would be required to be removed to accommodate the proposed annex. The trees within the area appear mature and add character to the area.

16. I observed during my site visit that there were trees outside of the appeal site which could also be affected by the proposed development. The Appellant has not provided substantive evidence to demonstrate that the proposed

development would not affect the trees on the adjacent land which are close to the proposed development.

17. Whilst I have not been provided with any details that the trees are covered by a tree preservation order, Policy 27 of the Local Plan seeks amongst other things to protect and retain existing landscape features.

18. I conclude that the proposed development would harm trees within and close to the appeal site. There is conflict with Policies 26 and 27 of the Local Plan which seek amongst other things to ensure development respects and complements qualities, character, and features of a site, and to retain and enhance existing landscape features.

Other Matters

19. The Appellant has drawn my attention to an approved residential development near the site, 54 Herbert Road[1]. There are no substantive details before me which allows comparison of that scheme with the appeal proposal, I therefore give this limited weight. Nevertheless, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

20. The Appellant has highlighted that the proposed development is required due to the personal circumstances of the family. Notwithstanding this limited information has been provided to confirm the needs of the occupants and how this development could fulfil them and that there is no alternative in terms of development which could meet the needs of the family. I therefore give this limited weight.

Conclusion

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

C Pipe

INSPECTOR

[1] Application Ref: P0257.22