



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: 4 January 2023

Appeal Ref: APP/B5480/D/22/3305725

33 Tudor Avenue, Romford RM2 5LB

- 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 Miss J Soor against the decision of the Council of the London Borough of Havering.
 - The application Ref P0985.22, dated 17 June 2022 was refused by notice dated 15 August 2022.
 - The development proposed is single storey ground floor and first floor rear extensions.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey ground floor and first floor rear extensions at 33 Tudor Avenue, Romford RM2 5LB in accordance with the terms of the application, in accordance with the terms of the application P0985.22, dated 17 June 2022, and the plans submitted with it, subject to the following condition:
 - 1) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

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.
3. At the time of my site visit, the development was in place. The application made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.

Main Issues

4. The main issues in this appeal are the effect of (i) the development on the character and appearance of the host property, neighbouring properties or area in general; and (ii) the effect of the ground floor extension on the living conditions of the occupiers of No. 35 Tudor Avenue.

Reasons

Character and Appearance

5. The site is within a predominantly residential area characterised typically by semi-detached properties of varying styles. The appeal property is a semi-detached two storey property which has been extended.
6. The Havering Residential Extensions and Alterations Supplementary Planning Document (2011) (the SPD) confirms that extensions should respect and be subordinate to the original dwelling. The proposal includes a first floor extension however given the layout and form it is prudent to consider the ground floor extension as a single storey extension for the purposes of assessing its effect.
7. The SPD in principle supports development of single storey rear extensions on semi-detached properties of up to 4m, an extension exceeding this is subject to a 45 degree line taken from the boundary. The single storey rear extension projects 6m from the rear elevation of the property along the shared boundary with the attached neighbouring property, No. 35 Tudor Avenue. The extension does not comply 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. From the information I have before me I understand that a prior approval¹ application was made which secured a similar single storey extension at the appeal property. Whilst there is no provision for retrospective prior approval, I am mindful that a similar scale single storey extension could have been erected on the site.
10. Should the Appellant remove the extensions and re-apply under the prior approval process, it is likely that prior approval would not be required given the lack of objections to the appeal proposal and the letter of support from the adjoining neighbour No. 35 Tudor Avenue, along with the previous prior approval process which secured a similar extension. Whilst a convoluted scenario this nonetheless represents a material consideration which in this particular case I give weight to.
11. The first floor extension is set off the shared boundaries with neighbouring properties. In terms of the context of the single storey extension and the separation distances between the extension and neighbours the first floor extension is not disproportionate in terms of design and scale.
12. The single storey and first floor extensions whilst large do not unbalance the property and would not be unduly dominant the property or be visually intrusive.
13. I find that the proposed development would not harm the character and appearance of the host property, neighbouring properties or area in general. There is no conflict with Policy 26 of the Havering Local Plan 2016-2031 (2021) (the Local Plan) which amongst other things seeks to ensure developments are of high quality design which respect and complement distinctive local features of the site and reinforce and complement the local streetscene.

Living Conditions

¹ Application Reference: Y0209.21

14. The Council do not have concern with regard to the effect of the development on the living conditions of the occupiers of the neighbouring attached property No. 31 Tudor Avenue. I do not disagree.
15. The development will cause a degree of overshadowing to the occupiers of the neighbouring property No. 35 and the extent of the ground floor extension will be obvious to the outlook of the neighbouring occupants. Notwithstanding this taking a pragmatic approach given the lack of objections, the history of the site in terms of the prior approval I conclude that the development would not harm the living conditions of the occupants of No. 35 Tudor Avenue. There is no conflict with Policy 7 of the Local Plan which amongst other things seeks to protect the amenity of existing and future residents.

Conclusion

16. For the above reasons I conclude that this appeal should be allowed.
17. Conditions relating to standard time limit for commencement of development, plans to be adhered to and materials to be used are not relevant or necessary as the development is complete.
18. A condition has been imposed restricting the use of the flat roof as a balcony area in the interests of the amenity of the living conditions of occupiers of neighbouring properties.
19. The Council have suggested a planning condition relating to removal of permitted development rights, I am not persuaded that this restriction is reasonable or necessary.

C Pipe

INSPECTOR