



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: 24/01/2023

Appeal Ref: APP/B5480/W/22/3297237

169 Wingletye Lane, Hornchurch RM11 3AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Magnus Dadzie against the Council of the London Borough of Havering.
 - The application Ref P1385.21, is dated 11 July 2021.
 - The development proposed was described as "part-demolition of garage and conversion to habitable room ground and first-floor rear extension".
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Decision

1. The appeal is allowed and planning permission is granted for the part-demolition of garage and conversion to habitable room ground and first-floor rear extension at 169 Wingletye Lane, Hornchurch RM11 3AR in accordance with the terms of the application, Ref P1385.21, dated 11 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Existing Layouts And Roof Plan (Scale 1: 100) – Drawing No. 457-3-01-3 dated 11/07/2021
 - Existing Elevations (Scale 1:100) – Drawing No. 457-3-01-3 dated 11/07/2021
 - Proposed Ground And First Floor Extensions (Scale 1: 100) – Drawing No. 457-3-01-5 dated 10/07/2021
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the development hereby permitted, without the prior written approval of the Local Planning Authority.

Procedural Matters

2. The description of development in the banner heading above, and which I have used in the formal decision, is taken from the planning application form. The appellant indicated on Part E of the appeal form that the description of development had not changed from that stated on the application form, although that was followed by a different description, “proposed ground and first floor extension”.
3. The planning application included one drawing showing the “proposed ground and first floor extensions” (Drawing No 457-3-01-5, dated 10 July 2021). The proposal shown on that drawing accords with the original description of the development – at the front of the dwelling, a small porch would be added, while the garage would be partly demolished and its remaining part converted to form an extension of the kitchen. At the rear, an additional living room would be constructed at ground level alongside an existing projecting rear extension, with additional rooms built at first-floor level above the new and existing extensions.
4. The appeal submission was accompanied by two drawings which showed the “proposed layouts and roof plans” (Drawing No 457-3-01-4) and “proposed ground and first floor extensions” (Drawing No 457-3-01-5), both dated 22 February 2022. The drawing number of the second of these was the same as the original submission, although there was no version number to differentiate it. These drawings show what is essentially a totally different scheme; the projecting garage would be retained in its entirety, and a two-storey extension (with a large hallway and office at ground-floor level, and three new bedrooms at first-floor level) built alongside and above it. The rear extension originally proposed was absent from these drawings.
5. I therefore sought clarification from the appellant as to when and how the proposed development had been modified since the planning application was submitted to the Council. The appellant responded that the February 2022 drawings were intended to form the basis of the appeal scheme, and that these had been submitted to the Council before the appeal was lodged. However, there is nothing before me which indicates exactly when or how that happened, nor that these plans were received or considered by the Council; the Council’s evidence related entirely to the scheme as originally submitted, and there is no evidence to suggest that neighbours or other interested parties had been consulted on the revised scheme. Furthermore, the amended plans represent a substantial and significant departure from the proposal as set out in the planning application, and in fact give rise to considerable confusion about what the appellant is seeking permission for.
6. Taking all of this together, I have made my decision based on the plans originally submitted and on the description of the proposed development set out on the application form. I have not addressed the planning merits of the proposal shown in the February 2022 drawings, and it is therefore important that the appellant understands that **the development approved by this appeal decision is the proposal originally submitted to the Council in July 2021, not the later version.** My decision does not, of course, preclude the appellant submitting a fresh planning application for the revised scheme.

Background and Main Issues

7. The Council had not determined the planning application prior to the appeal being lodged. However, a draft officer report was submitted alongside its appeal statement. Together these indicated that, had the Council determined the application, it would have been refused planning permission for a single reason, although in fact the wording provided encompassed matters relating both to the appearance of the extension, and its effects on amenity for neighbours.
8. The Council's putative reason for refusal reason forms the basis of the main issues in this appeal, which I consider to be the effect of the proposed development on:
 - The character and appearance of the area; and
 - Living conditions for occupiers of the neighbouring dwellings at Nos 159 and 171 Wingletye Lane, with particular regard to whether it would be overbearing or lead to a harmful sense of enclosure.

Reasons

Character and appearance

9. No 169 Wingletye Lane is a two-storey detached dwelling in a suburban residential neighbourhood. The area around the appeal property contains dwellings of a wide variety of sizes and styles ranging from very modest semi-detached bungalows to large and showy detached houses; I saw that there is no single prevailing archetype along Wingletye Lane, and much of the housing had been extended or otherwise altered over the years. The appeal proposal is for front and rear alterations and extensions, the nature of which I have described in paragraph 3 above.
10. The proposed rear extension would be two-storeys high and would span the entire width of the building; however, while it would be a large addition to the existing dwelling it would not, in the context of the other housing and extensions in the area, be a bulky or incongruous addition. Although the roof pitch of the rear extension would be shallow, it would be in keeping with that of the original dwelling. The proposed roof form *would* result in the rear elevation having a wide and shallow gable but, although most roofs in the area have a steeper pitch, this would not be completely without precedent in the surrounding area; No 157 Wingletye Lane (two doors south of the appeal property) also has a wide and shallow gable (if not quite perhaps as shallow) on its front elevation. The development would result in the appeal property extending beyond the rear building line of the neighbouring dwellings at Nos 159 and 171, but this would simply continue to reflect the fact that they were originally built to a staggered pattern.
11. The Council did not raise any objections to the proposed alterations at the front of the property, and none of the evidence before me leads me to a different view.
12. I conclude that the effect of the development on the character and appearance of the area would be acceptable. The proposal therefore complies with the requirements of Policy 26 of the 2021 Havering Local Plan ("the HLP"), which among other things seeks to ensure that development complements local

character, and respects and responds to the local streetscene and patterns of development.

Living Conditions

13. The proposed rear extension would result in No 169 having high side elevations facing the neighbouring properties on either side. I saw on my site visit that both 159 and 171 have, in common with the appeal property, generous long rear gardens. While the extension would be built close to the boundary with the neighbouring properties, the separation distances would be sufficient (when considered alongside the relatively shallow depth of the extension at around 3m beyond the existing principal rear elevation, and the open vistas down the rear gardens) to ensure that the extension would not be intrusive or overbearing to any significantly harmful extent.
14. Again, the Council did not raise any concerns in respect of the proposed alterations at the front of the property, and again none of the evidence before me leads me to disagree.
15. I conclude that the proposed development would not cause unacceptable harm to living conditions for the occupiers of the neighbouring dwellings at Nos 159 and 171 Wingletye Lane. It would comply with the requirements of Policy 7 of the HLP which seeks to protect amenity and quality of life for existing and future residents.

Conditions

16. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance ("the PPG"). I have made some minor changes to the ordering and proposed wording, in the interests of clarity and effectiveness.
17. In addition to the standard time limit condition (1), I have specified the approved plans so as to provide certainty (2). In order to protect the character and appearance of the area I have imposed a condition requiring external surfaces of the permitted extension to be of materials matching the existing dwelling (3), while a condition preventing windows or other openings being created on the side elevations of the permitted extensions (4) is necessary to protect the privacy of the occupiers of neighbouring dwellings.

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be allowed.

M Cryan

Inspector