



Appeal Decision

Site visit made on 19 January 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/B5480/D/22/3307984

20 Court Avenue, Havering, Romford RM3 0XS

- 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 Mr Darren Pugh against the decision of the Council for the London Borough of Havering.
 - The application Ref P1191.22, dated 21 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed is a single storey rear extension with new window to south side elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension with new window to south side elevation at 20 Court Avenue, Havering, Romford RM3 0XS in accordance with the terms of the application, Ref P1191.22, dated 21 July 2022, 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: 21/08/SP1 and 22/07/PL1
 - 3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture to those of 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 plans) shall be formed in the flank walls of the building hereby permitted.
 - 5) No part of the development hereby permitted shall be occupied until the proposed flank window adjacent to No.22 Court Avenue has been glazed with obscure glass not less than level 4 on the standard scale of obscurity and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be maintained and permanently retained thereafter.
 - 6) The roof area of the ground floor rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Preliminary Matter

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above and paragraph 1 of my Decision.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the existing occupiers of No 18 Court Avenue, with particular regard to outlook, daylight and sunlight.

Reasons

Living conditions

4. The appeal property is a semi-detached dwellinghouse located on the western side of Court Avenue in Romford. The appeal property has been subject to several alterations including an existing single storey rear extension. The development subject to this appeal would be a further continuation to the pre-existing single storey rear extension, being of a similar footprint and width, projecting further into the rear garden area.
5. There are a significant number of other rear extensions and various large outbuildings on neighbouring properties in the vicinity. As such, there is a varied character with differences in the design of extensions with a noticeable lack of coherence or symmetry. Both the neighbouring properties at Nos 18 and 22 Court Avenue have been extended at the rear with single storey projections. The latter has a conservatory of a similar depth to the appeal proposal. The Council considers the proposal would not unacceptably impact on the living conditions of this neighbour in respect to daylight, sunlight, outlook and privacy, given the set off from the boundary and the existing conservatory and subject to the provision of suitable conditions to ensure privacy levels are maintained. I would concur with this assessment.
6. No 18 has been previously extended at ground floor level with windows facing down the garden. There is a slight change in levels between the two sites. The appeal property's existing extension projects slightly beyond the extent of that adjoining extension at No 18. Nonetheless, the occupiers of that property have a relatively open outlook across gardens and neighbouring playing fields of Harold Court Primary School beyond the rear boundary.
7. The appeal proposal would increase the extent of the built form along the party boundary. Nonetheless, the proposed flat roof design means that overall, the appeal proposal's height, scale and bulk would not be of a level which would give rise to significant additional overshadowing, nor an undue sense of enclosure relative to the rear openings at No 18 or its garden area. Neither would its overall presence significantly reduce the current aspect enjoyed by those occupants to an extent that would be overbearing.

8. I recognise that the proposal does not fully accord with guidance set out in the Residential Extensions and Alterations Supplementary Planning Document (SPD), adopted 2011 given its projection is in excess of that stated. Nevertheless, in this case, I have found that the appeal proposal will not cause harm to the living conditions of neighbouring properties. Moreover, the Council has not raised any further concerns about the proposal and from the evidence before me I concur with that assessment. The existence or otherwise of a genuine fallback position¹ does not influence this finding.
9. For the above reasons the appeal proposal would not be harmful to the living conditions of the occupants of No 18, with particular regard to outlook, daylight and sunlight. As such, the proposed development would accord with Policies 7 and 26 of the Havering Local Plan 2016-2031, adopted 2021 (HLP), which amongst other things, are concerned with high design quality and protecting residential amenity. The proposal is also consistent with Paragraph 130 (f) of the National Planning Policy Framework 2021 (the Framework) which, amongst other things, also seeks a good standard of amenity for all existing and future occupants of buildings.

Conditions

10. I have considered the Councils suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency or clarity and to ensure that they meet the tests in the Framework.
11. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. I have also attached a condition requiring the use of matching materials in the interests of a good quality appearance to the development.
12. I have attached conditions removing permitted development rights for additional openings in the flank elevations and securing obscured glazing on the windows to the flank elevation adjoining No 22 to protect living conditions of neighbouring properties, from the proposed development, in terms of privacy and overlooking.
13. I have also included a condition preventing the use of the roof of the proposed extension as a balcony or amenity area, to protect the privacy of neighbouring properties.
14. I have not imposed a condition relating to any boundary details because subject to condition Nos 4, 5 and 6 existing privacy levels would not be compromised. Nor have I imposed a condition requesting details of site levels as following my site visit, I have been able to conclude that the scale and height of the appeal proposal would not be harmful to living conditions. Consequently, neither of these suggested conditions meet the necessity test for planning conditions.

¹ London Borough of Havering Planning Ref: Y0405.21

Conclusion

15. In the absence of any harm, the appeal proposal accords with the development plan when taken as a whole. For the reasons given, the appeal should be allowed, subject to the conditions prescribed in paragraph 1 of this Decision.

Robert Naylor

INSPECTOR