



Appeal Decision

Site visit made on 24 January 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/B5480/D/22/3307111

1 Great Nelmes Chase, Havering, Hornchurch, RM11 2PS

- 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 W Leather against the decision of the Council of the London Borough of Havering.
 - The application Ref P0847.22, dated 7 June 2022, was refused by notice dated 3 August 2022.
 - The development proposed is raising of roof to form habitable accommodation with front and rear dormers, partial demolition of garage part conversion to habitable space with erection of new garage to side, two storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description that was given by the Council on their decision notice and which was repeated by the appellant on the appeal form. This gives a more accurate and complete description of the entirety of the proposed works compared with that which was given on the application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions at 57 Nelmes Crescent, with particular regard to overlooking and overshadowing.

Reasons

4. The appeal property is a detached bungalow that occupies one triangular half of an approximate square shaped corner plot at the junction of Great Nelmes Chase with Nelmes Crescent, within a wider residential neighbourhood which contains a variety of property types, sizes and ages. The other half of the corner plot is occupied by a smaller detached bungalow at 57 Nelmes Crescent which has accommodation in the roof and a single dormer window to each of the front and rear roof slopes.
5. The proposal is for a range of alterations that would include an extension to one side and expansion of living accommodation into a new first-floor created by raising the ridge height of the existing roof by around 2m. This would involve the insertion of a centrally positioned box-like dormer addition on the rear roof slope which would have a horizontal emphasis and two window

- openings, with one smaller dormer window to either side. In addition, an existing rear facing gable on the part of the building furthest from the dwelling at No 57 would be extended upwards with a window in the apex of the taller proposed gable. This window would serve an en-suite bathroom. The other four rear facing first-floor windows would each serve new bedrooms.
6. The diagonal boundary that separates the rear gardens of the appeal site and No 57 has an approximate 2m high close boarded fence running along its full length and with a roughly 3m high conifer screen along approximately half of its length, set nearest to where the corners of both properties converge. With the exception of some other corner plots, the properties share an unusually close relationship that is atypical of the more spacious development pattern that mostly prevails in the locality. Despite this, when stood in the rear garden of No 57, I detected a general sense of privacy that was derived from the low-rise form of the appeal property and the absence of any window openings at first floor level.
 7. The bank of windows proposed to the rear of No 1 would all face directly towards the rear garden of No 57 but at varying distances from the shared common boundary due to its angled nature. The window nearest to the rear elevation of No 57 would have clear sight over the existing hedge and at extremely close quarters, with the ability to look directly into garden space that would reasonably be considered by the neighbours to be their most private area. Each further window would consecutively have sight into the garden of No 57 with slightly diminishing impacts upon privacy due to a combination of an increased distance from the rear of No 57 and an increased distance from each window to the rear boundary. Nevertheless, with the exception of the furthest window, which could reasonably be expected to be obscurely glazed as serving a bathroom, all others would result in a level of overlooking from habitable living space of the garden at No 57, to some degree. This would be detrimental to the living conditions at 57 Nelmes Crescent in terms of privacy.
 8. The appellant has submitted a Daylight, Sunlight, and Overshadowing Assessment (DSOA) dated August 2022 and prepared by a consultancy using methodology aligned with the Building Research Establishment's publication *'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' Third Edition 2022*. The overshadowing results show that the proposed extensions at the appeal property would have negligible impact on the amount of overshadowing experienced by the rear garden area of 57 Nelmes Crescent. I have no reason to dispute these findings and in the absence of any other substantive evidence to the contrary, I am satisfied that the proposal would not result in any harm to the living conditions at No 57 with regard to overshadowing.

Other Matters

9. The appellant points to the existing arrangement between the appeal property and No 57, with the latter's rear dormer having sight into the rear garden at No 1. During my visit, when stood within the rear garden of the appeal property, I sensed some potential for overlooking from the rear dormer at No 57 although this was largely contained to part of the garden furthest from the rear elevation of the neighbouring property, and from where the sense of intrusion was at its most minimum. The proposed dormers at No 1 do not draw direct comparison in terms of numbers, proximity or impact. In addition, I do not know the

planning background to the dormer at No 57 and its presence does not overcome the fact that the proposal would impose upon the existing living conditions at No 57 to an unacceptable degree.

10. I note the appellant's frustration with how the planning application was handled and some alleged inconsistent opinions expressed to them by the Council in the course of obtaining pre-application comments, but these do not affect the merits of the case.
11. I have noted some further concerns expressed by the neighbours at No 57. The appellant's DSOA finds that the proposal would not significantly impact daylight to any windows at No 57 and that there would only be a small negligible impact to the amount of sky visible to the Solar PV Panels on the neighbour's garage roof. In the absence of any substantive evidence that would contradict these findings I do not consider that this would impact the neighbour's living conditions or amenity to any significant degree.

Conclusions

12. Notwithstanding my findings with regard to overshadowing, I find that the proposal would result in an unacceptable loss of privacy that would be harmful to the living conditions at 57 Nelves Crescent. As such there would be clear conflict with Policy 7 of the Havering Local Plan 2016-2031, adopted in 2021, as far as it seeks to protect the amenity of existing and future residents from development that results in, amongst other things, unacceptable overlooking.
13. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR