



Appeal Decision

Site visit made on 21 February 2023

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/B5480/D/22/3311709

1A Broadway, Havering, Romford, RM2 5NS

- 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 & Mrs Long against the decision of the Council of the London Borough of Havering.
 - The application Ref P1459.22, dated 6 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is Construction of single storey rear, first floor front and rear extensions with a new feature gable entrance, new loft level accommodation and rebuilding of the existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the Construction of single storey rear, first floor front and rear extensions with a new feature gable entrance, new loft level accommodation and rebuilding of the existing garage at 1A Broadway, Havering, Romford, RM2 5NS in accordance with the terms of the application, Ref P1459.22, dated 6 September 2022, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The Council has clarified that whilst the Policy numbers set out in refusal reason 1 are correct, the reference should have been to the adopted Havering Local Plan (2021) rather than the Core Strategy Development Control Policies Development Plan Document. The appellant has had to opportunity to comment on these policies, and I am satisfied that no prejudice has occurred to either party as a result of this error.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the site and surrounding area; including on the Gidea Park Conservation Area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to outlook, light and privacy; and
 - The effect of the proposal on the archaeological interest surrounding the site.

Reasons

Character and appearance

4. The appeal property is located within the Gidea Park Conservation Area (CA) which comprises a large part of the residential suburb of Gidea Park. The CA is based on garden suburb principles and features Exhibition Houses which were constructed as part of the 1910/11 House and Cottage Exhibition and a further competition and exhibition of Modern Homes in 1934. It is both the traditionally designed buildings and their landscape settings that contributes to the significance of the CA.
5. The existing property is not one of the exhibition houses. It was built in the mid-twentieth century as an infill development between Nos 1 and 3 Broadway. The dwelling is of a chalet style, with its first floor located largely within the roof, with dormer windows on the front and rear elevations. It does however reflect the predominant architectural character of the area in terms of its vernacular detailing and materials. I therefore agree with the Council's assessment that it is a neutral contributor to the CA.
6. My attention has been drawn by both main parties to a previous appeal¹ (the previous appeal) on this site for a replacement detached dwelling with integral garage and an outbuilding. Whilst the current proposal is for extensions and alterations to the existing dwelling, this decision is nonetheless an important material consideration.
7. The proposal would involve raising the ridge height, resulting in a full two storey dwelling. The existing front gable is a prominent feature of the dwelling and this would be replaced by a full two storey gable. The resultant ridge height would be broadly consistent with that of the neighbouring dwellings and the design and appearance of the proposed front gable would be sympathetic to the existing street scene.
8. The proposal would also involve the replacement of the single storey garage and conservatory that sits to the side of the existing dwelling. Whilst the garage is separated from the flank wall of the dwelling by a small gap, the extension behind it is an integral part of the existing dwelling. The proposed replacement garage would be attached to the main dwelling, with a utility area behind in a similar location to the existing conservatory. The garage would have a simple gable above it and would be similar in appearance to the existing garage. Whilst it would be attached to the dwelling and would be slightly higher than the existing structure, I am satisfied that it would not significantly erode that space that exists between the appeal property and 3 Broadway and accordingly, would not be harmful to the character and appearance of the property or the surrounding area.
9. The proposal includes a small section of crown roof to enable accommodation within the loft. However, the crown roof would be smaller in its extent than the crown roof considered under the previous appeal. In my view, as the crown roof element would be set in from the sides of the roof, it would not be particularly apparent when viewed from Broadway. Moreover, I acknowledge that the Council has recently approved a similar roof form at the adjoining property, 3 Broadway (LPA ref. P1117.22) Whilst this consent has not yet been

¹ Appeal ref: APP/B5480/W/21/3284608

implemented, it is a recent, extant permission. In my view, the design of the roof would not be particularly convoluted or harmful to the character and appearance of the host dwelling or the surrounding CA.

10. The proposal would increase the ground floor footprint depth by 1.75 metres. The rear extension would not extend as far as the existing conservatory which would be replaced by the proposed side extension. The proposed first floor extensions to the rear would add to the scale, bulk and mass of the dwelling but have been scaled back compared to the previous appeal scheme. The proposed extensions would not project a significant distance beyond the rear elevation of 1 Broadway and the first floor additions would be set in from the boundary with No 3 such that I am satisfied that there would be no significant 'tunnelling effect' between the properties. Furthermore, given the overall depth of the proposed additions, I am satisfied that they would not be unduly prominent or visually intrusive and would not be harmful to the suburban garden scene which is an important characteristic of the CA.
11. It is not apparent how the appeal proposal would affect the existing hedge adjacent to the pavement to the front of the dwelling which makes a positive contribution to the CA. However, I am satisfied that details of the landscaping of the frontage of the site could be secured by condition in the event that I were to allow the appeal.
12. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance and requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons given above, I conclude that the proposal would not have a harmful effect on the character and appearance of the existing dwelling and its effect on the CA would remain neutral. Accordingly, I find that the proposal would preserve the character and appearance of the CA.
13. Thus, the proposal complies with Policies 7, 26, 27 and 28 of the Havering Local Plan 2021 and Policy HC1 of the London Plan 2021 which collectively require development to be of a high quality design which is informed by and respects the distinctive qualities of the area and to be sympathetic to the significance of heritage assets. The proposal also accords with para. 199 of the National Planning Policy Framework (the Framework) which gives great weight to the conservation of heritage assets.

Living conditions

14. The proposed extensions would not extend significantly beyond the existing rear elevation of 1 Broadway. There is an existing outbuilding immediately to the rear of No 1 which is close to the boundary with the appeal site. The extensions would be no closer to the side boundary of the site than the existing dwelling and I am satisfied that there would be no material loss of light to windows on the rear elevation of No 1. Furthermore, given the lack of significant projection beyond No 1 and the presence of the outbuilding adjacent to the boundary with the appeal site, I am satisfied that the proposal would not have a material effect on the existing outlook from No 1 or its rear garden. Thus, the proposal would not have a harmful effect of the living conditions of the occupiers of that dwelling in relation to light or outlook.

15. I acknowledge that the existing dwelling already extends beyond the rear elevation of 3 Broadway as the consented extensions to that property have not been implemented.
16. The proposed single storey side extension would not extend any further beyond the rear elevation of 3 Broadway than the existing garage and conservatory of the appeal property. The existing flank wall of the conservatory already extends along the boundary with No 3. Whilst the proposed side extension would have a solid roof, it would only be slightly higher than the existing structure and would slope up away from the side boundary. I am therefore not persuaded that this extension would have a materially greater impact on the living conditions of the occupiers of No 3 than the existing house.
17. The proposed first floor extensions and roof alterations would add additional bulk and mass to the existing dwelling. However, these extensions would be set in from the side boundary with No 3 and separated from it by the single storey extension. As such, I do not consider that the proposed extensions would be visually intrusive or particularly overbearing when viewed from No 3 or its rear garden environment. Given the separation from the side boundary of the site, I also consider that any additional effect on the amount of light received by windows serving No 3, including those on its side elevation, would be relatively minor and would be unlikely to materially harm the living conditions of the occupiers of that dwelling.
18. The existing dwelling has an existing first floor balcony on its rear elevation enclosed by metal railings. This balcony would be re-provided in a similar position at first floor level. A small balcony is also proposed to serve the loft bedroom with a glass balustrade to the front. Whilst this balcony would offer more elevated views, these would mainly be over the rear garden of the dwelling as any significant views to the side would be obscured by the proposed gables. I therefore conclude that the proposed development would not result in any significant loss of privacy to adjoining occupiers.
19. My overall conclusion is that the proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties with particular reference to outlook, light and privacy. The proposal accords with Policy 7 of the LP which seeks to protect the amenity of existing and future residents.

Archaeology

20. The Council refer to a consultation response from Historic England (HE) concerning the previous proposal on the site which also included an outbuilding in the rear garden. The HE comments appear to relate to the previously proposed outbuilding and its possible impact on Gidea Hall and the fishponds that survive at the end of the garden.
21. As the outbuilding is no longer a feature of the current proposal, and in the absence of any substantive evidence to the contrary, given the modest footprint of the proposed extensions I do not consider that the proposal would be likely to have a harmful effect on the archaeological interest of the area. Thus, there would be no conflict with Policy HC1 of the London Plan (2021) or the Framework insofar as they seek to avoid harm to assets of archaeological significance or minimise it through appropriate design and mitigation.

Conditions

22. I have had regard to the conditions suggested by the Council. The Framework states that conditions should only be attached where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Moreover, it states that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so. I have assessed the suggested conditions on this basis and made modifications to their wording where necessary.
23. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring matching materials to ensure a satisfactory external appearance. I shall impose a condition requiring details of the balustrading for clarity and to protect the interests of existing and future occupiers. Conditions relating to the provision of additional window openings and working hours are imposed in order to protect the living conditions of nearby occupiers.
24. A condition requiring the submission of a landscaping scheme for the frontage of the site is necessary for clarity and to protect the character and appearance of the area.
25. Given the small scale of the proposal and the lack of substantive evidence relating to the archaeological interest of the site, I consider that a condition requiring an archaeological pre-assessment is neither reasonable or necessary.
26. Having regard to the advice within the Framework, I am not persuaded that there is sufficient justification for the removal of the limited permitted development rights that exist within conservation areas as set out in Part 1 of Schedule 2 of the Order².

Conclusion

27. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR

² Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Schedule of 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: 1776/01 Rev A; 1776/02 Rev C and 1776/03 Rec C.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no window or other openings (other than those shown on the submitted and approved plan) shall be formed in the flank walls of the extensions hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 4) All building operations in connection with the approved development and the playing of amplified music shall only take place between the hours of 8.00am and 6.00pm Monday to Friday, and between 8.00am and 1.00pm on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
- 5) Prior to first occupation of the extensions hereby approved, details of the balustrading to the balconies shall be submitted to and approved in writing by the Local Planning Authority. The balustrades shall be installed prior to the occupation of the extensions and shall not be removed without the permission from the Local Planning Authority.
- 6) No development above existing ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping for the frontage of the site. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.