



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/22/3311187

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 P1305.22, dated 9 August 2022, was refused by notice dated 5 October 2022.
 - The development proposed is to retain Rear Dormer as built.
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Decision

1. The appeal is allowed and planning permission is granted to retain rear dormer as built at 33 Tudor Avenue, Romford, RM2 5LB in accordance with the terms of the application, Ref P1305.22, dated 9 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: A101; A102; A103; A104; A105; A106; A107; A108; A109 and A110.
 - 2) 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.

Procedural Matters

2. As the dormer has already been constructed the proposal is retrospective and I have dealt with the appeal on this basis.
3. Within the context of an appeal under section 78 of the Act¹ it is not within my remit to formally determine whether the proposed development requires planning permission as questioned by the appellant. If the appellant wishes to ascertain whether the development is lawful, they may make an application under section 191 of the Act.

¹ Town and Country Planning Act 1990

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the host property, the semi-detached pair and the street scene and on the living conditions of adjoining occupiers with particular reference to outlook.

Reasons

5. The appeal property is a two storey semi-detached dwelling which benefits from recently constructed ground and first floor extensions to the rear. It is located within a predominantly residential area comprising mainly of semi-detached properties of varying styles.
6. The appeal proposal seeks to retain the rear dormer that has been constructed at the property. The roof of the dwelling has been converted from a hip to a gable end to facilitate the loft conversion with two rooflights also provided on the front elevation. The dormer is set down from the ridge of the dwelling by about 0.33 metres and sits slightly above the eaves. The dormer extends across the full width of the property, enclosed by a parapet at either end. As the dormer is not set in from the side flank wall it appears as a continuation of the gable end of the dwelling.
7. The Council's Residential Alterations and Extensions Supplementary Planning Document (2011) (SPD) provides useful design guidance although it is not statutory. It states, amongst other things, that proposals to convert a hipped roof to a gable end roof to one house on a pair of semi-detached dwellings can result in unbalancing the pair. It also states that where the Council has control over such proposals and hipped roofs form a characteristic of the house and/or street, a gable end will not be considered. The SPD also advises that dormers should be contained well within the body of the roof, by being set well back from the eaves, and by setting the sides well in from any gables or party walls. Dormers must never extend above the ridge line of the roof and should be located well below it.
8. The appeal property forms a pair with 35 Tudor Avenue which has a hipped roof form. The hip to gable extension has resulted in an unbalancing of the pair of dwellings, contrary to the design guidance in the SPD. The unbalancing of the pair of properties is further accentuated by the position of the rear dormer which, due to its lack of set back from the side elevation and rendered finish, appears as an extension to the gable end.
9. However, whilst the flank elevation of the appeal property can be glimpsed from a short section of Tudor Avenue, it is not a highly prominent feature when viewed from the public domain. There are other examples along Tudor Avenue of properties with gable ends and roof additions which has resulted in other pairs of semi-detached dwellings appearing similarly unbalanced.
10. Given this context, I consider that the hip to gable end, including the flank parapet of the dormer, is not materially harmful to the character and appearance of the host property, the semi-detached pair or the surrounding area.
11. Moreover, I am also mindful that a Certificate of Lawfulness² has been issued at the property for a hip to gable loft conversion including rear dormer which

² LPA ref. D0291.17

would have a similar effect overall on the character and appearance of the property and the surrounding area in this regard. This fall-back position further weighs in favour of the development.

12. The rear dormer does not strictly comply with the design guidance set out in the SPD as the sides are not well set in from gables and party walls. As a result of the width of the dormer and its rendered finish I acknowledge that it is a prominent addition to the roof which stands out against the tiled roofing materials. However, in this particular case, I find that the dormer as constructed blends in satisfactorily with the large ground and first floor additions beneath it which are similarly of a rendered finish.
13. Whilst views of the rear dormer are clearly obtainable from neighbouring gardens, it is viewed in the same context as the existing rear extensions. Rear dormers are commonplace in the surrounding area and whilst the dormer stands out against the tiled roof of the dwelling, it harmonises with the appearance of the ground and first floor extensions. Overall, I conclude that it would not result in any material harm to the outlook enjoyed by neighbouring occupiers.
14. Although the proposed development conflicts with some aspects of the design guidance set out in the SPD, I nonetheless conclude that the proposal does not have a materially harmful effect on the character and appearance of the host property, the semi-detached pair or the surrounding area. Thus, there is no conflict with Policies 7 and 26 of the Havering Local Plan (2021) which amongst other matters, seek high design quality whilst ensuring that the amenity and quality of life of existing and future residents is not adversely impacted.

Conditions

15. The standard implementation condition is not necessary as the development has already been constructed. I have imposed the approved plans condition for certainty.
16. Whilst the Council suggest a condition requiring the dormer to be tiled, as I have found the dormer to be of a satisfactory appearance, this condition is not necessary. I have also imposed a condition to prevent the formation of any further side facing windows in the extensions in order to protect the living conditions of adjoining occupiers.

Conclusion

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

J Davis

INSPECTOR