



Appeal Decision

Site visit made on 26 March 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal Ref: APP/B5480/D/22/3309806

142 Front Lane, Upminster, Havering RM14 1LL

- 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 Ghimbasan against the decision of the Council of the London Borough of Havering.
 - The application Ref P1291.22 dated 5 August 2022, was refused by notice dated 3 October 2022.
 - The development proposed is part single, part two storey rear/side extension, front porch extension, and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for part single, part two storey rear/side extension, front porch extension, and internal alterations at 142 Front Lane, Upminster, Havering RM14 1LL in accordance with the terms of the application Ref: P1291.22 dated 5 August 2022, and the plans submitted with it, 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: Site Location, Block Plan and Drawing No's. 2002/05/142FL Sheet 3; 2002/05/142FL Sheet 4; 2002/05/142FL Sheet 5 and 2002/05/142FL Sheet 6.
 - 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) The flat roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matter

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of area and host property; and (ii) the living conditions of the occupants of No. 140 Front Lane.

Reasons

Character and Appearance

4. The site is a semi-detached property within a predominantly residential area characterised by varying properties. The Council consider that from the streetscene the side extension would appear to integrate well with the main dwelling, I do not disagree. Similarly, the front porch does not look out of keeping.
5. To the rear of the appeal property there is an existing flat roof two storey feature adjacent a single storey element linking to No. 140 Front Lane. The existing two storey design is bulky in appearance. Whilst the proposed development would add to the mass of the property the design and form whilst not regular would not be incongruous with the property and surrounding area.
6. I conclude that the development would not harm the character and appearance of area and host property. There is no conflict with Policy 26 of the Havering Local Plan 2016-2031 (2021) (the Local Plan) and policies within the London Plan (2021) which amongst other things seek to ensure developments are of high quality design which complement the local streetscene.
7. There is no conflict with the Havering Residential Extensions and Alterations Supplementary Planning Document (2011) (the SPD) which confirms that extensions should respect and be subordinate to the original dwelling.

Living Conditions

8. The proposed single storey extension projects approximately 2m from the rear of the single storey element of No. 140 Front Lane then steps away from the boundary by some 3.5m to project the single storey extension further into the appeal site's rear garden. The SPD in principle supports development of single storey rear extensions on semi-detached properties of up to 4m, an extension exceeding this is subject to a 45 degree line taken from the boundary.
9. The first floor extension is also set off the boundary by approximately 3.5m stepping out again into the rear garden further away from the boundary with No. 140. The SPD contains guidelines that two storey rear extensions should be set in from the common boundary with any attached dwelling by not less than 2 metres, and should project no more than 3 metres. However, in exceptional local circumstances rear extensions of a greater depth up to a maximum of 4 metres may be acceptable. The proposed development would not comply with the SPD.
10. Notwithstanding this, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
11. Due to the staggering of the extensions, design and separation distance from No. 140 I do not find that the proposed development would be intrusive nor oppressive.

12. I conclude that the development would not harm the living conditions of the occupants of No. 140 Front Lane. There is no conflict with Policy 7 of the Local Plan which amongst other things seeks to protect the amenity of existing and future residents.
13. The Council in reason for refusal No. 2 contend that the proposed development is contrary to Policy 24 of the Local Plan. I disagree. Policy 24 relates to the parking provision and design which the Council confirm in the Planning Officer's Report that there are no highway or parking issues arising from the proposed development.

Conclusion

14. For the above reasons I conclude that this appeal should be allowed.
15. I have imposed conditions relating to standard time limit for commencement of development and plans to be adhered to as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
16. A condition has been imposed restricting the use of the flat roof as a balcony area in the interests of the amenity of the living conditions of occupiers of neighbouring properties.
17. The Council have suggested conditions relating to removal of permitted development rights, and obscure glazing of windows in the side elevation I am not persuaded that these conditions are reasonable or necessary.

C Pipe

INSPECTOR