



Appeal Decisions

Site visit made on 28 March 2023

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18TH APRIL 2023

Appeal A Ref: APP/B5480/C/22/3294518

1 Highfield Road, Romford RM5 3RA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Ansar Ali against an enforcement notice issued by the Council of the London Borough of Havering.
 - The notice was issued on 23 February 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the alterations to the main roof and construction of a rear dormer window and front porch.
 - The requirements of the notice are: 1. Demolish the hip to gable roof extension and the extension of the main roof over the existing two storey side extension and the rear dormer window, so that the resulting roof design accords with the existing elevations as indicated on plans submitted with application P1147.20 attached to the notice as LBH 1 & 2. All materials to match the original roof in colour, texture and size of tiles. And 2. Remove the 2 no. pilasters from the front porch and cut back the flat roof so that the roof project[s] out from the front elevation of the porch in line with the projection of the roof along the side elevations of the porch, so that the eaves are symmetrical along all elevations. Or 3. Reduce the size of the porch so that it is no more than 3 m in height measured from natural ground level, is no more than 3 m² when measured externally and is not within 2 m of any boundary of the site with a highway. So (*sic*) that the porch accords with [Article 3, Schedule 2, Part 1] Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). And 4. Remove all building materials and debris from the site as a result of taking step 1, 2 or 3 above.
 - The period for compliance with the requirements is four months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/B5480/W/22/3294503

1 Highfield Road, Romford, RM5 3RA

- 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 Ansar Ali against the decision of the Council of the London Borough of Havering.
 - The application Ref P2321.21, dated 7 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is described as 'retrospective planning application for roof extension to form dormer original roof and side extension and front porch.'
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Decisions

1. Appeal A-It is directed that the enforcement notice be varied by at paragraph 6 substituting 'four months' with 'seven months' as the period for compliance. Subject to this variation the appeal is dismissed, the enforcement notice is

upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

2. Appeal B-The appeal is dismissed.

Appeal A, Ground (a) appeal & Appeal B

Main Issues

3. The main issues in these appeals are:

- The effect of the roof extension and porch on the character and appearance of the area.
- The effect on the living conditions of existing and future occupiers of adjoining residential property, having regard to privacy and outlook.

Reasons

Character and appearance

4. The appeal property contains a semi-detached two storey dwelling, later enlarged at two storeys to the side and rear. The dwelling originated with a hipped roof form, as did the later enlargement. The dwelling is located in an established residential area largely made up of properties that are similar in terms of their age, architectural style and external materials, with balanced elevational treatments. Many of the dwellings retain their original hipped roof forms. Front porches in the vicinity are generally of modest scale and reflect the sloping roofs and external materials of their host dwelling and nearby properties. These factors contribute significantly to the pleasant and well-ordered suburban character and appearance of the area.
5. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) advises that roof extensions should be located so as to not be visible from the street, there should be no harm to the appearance or character of the original dwelling and they should be contained well within the body of the roof by being set well back from the eaves, by setting the sides well in and being below the ridge line. The SPD also advises that roof extensions should not unbalance pairs of dwellings with hipped roofs, whilst more generally any extension should be subordinate to the original dwelling and should respect its architectural style and detailing.
6. The roof extension attacked by the enforcement notice spans almost the entire rear roof slope of the original dwelling, stretching over a substantial part of the roof slopes of the later enlargement to form a flat roofed, L-shaped dormer at the rear, wrapping around the side and front with a partly gabled roof form. The highest part of the roof extension is in line with the ridge of the original dwelling's roof and slightly above the ridge line of the later enlargement.
7. The roof extension is therefore of substantial size and overall bulk, occupying most of the rear and side roof slopes of the enlarged dwelling and almost entirely eroding its original hipped roof form. This has led to the roof extension appearing as an overlarge and box-like structure with a somewhat 'top heavy' feel, lacking subservience with the dwelling and visually dominating the front, side and rear elevations. The limited set back from the eaves of the original roof and that of the later enlargement is insufficient to visually integrate the roof extension with the dwelling and its surroundings. Further, by elongating the roof over most of the later enlargement at a similar height to the original roof line with a partly gabled roof form, the roof extension has upset the previous sense of balance between the dwelling and the attached property, 36 Clockhouse Lane (No 36).

8. The smooth grey slates on the external walls of the roof extension are similar to those on the roof of the dwelling. However, the slates are noticeably different to the red/brown colour tones and more rippled profiles of the tiling on the roof at No 36 and the tiled roofs of nearby properties, thus increasing the visual disparity between the roof extension and its surroundings. The prominent situation of the property at the junction of two streets gives additional emphasis to the unfortunate visual effects of the roof extension. Therefore, the roof extension is viewed as an awkward and incongruous addition, appearing as an obvious and alien feature in the street scene, entirely at odds with the surrounding pattern of development.
9. There are a number of incidences of dwelling enlargements in the locality, some of which were referenced by the appellant. These include hip-to-gable roof enlargements incorporating rear dormers at several properties. For the most part, such developments are not similar in terms of their overall scale and visual consequences to the roof extension; the majority are of more modest size and better integrated visually with the host dwelling and their surroundings. In any event, based on the information supplied I am not persuaded that the circumstances in which any of those enlargements originated are comparable with the roof extension.
10. The SPD advises that a porch should be in proportion to the size of the dwelling and ensure that the roof complements the style of the main roof of the dwelling, as well as observing the advice on extensions generally. The porch attacked by the notice is partly enclosed by solid walls containing double doors, forward of which is covered by a pedimented flat roof supported by two decorative pilaster columns. Having a width around a third of that of the original dwelling, the porch occupies a significant portion of the front elevation. The width and flat roof give the porch an ill-proportioned appearance that does not sit easily with the scale of the front elevation. The appearance as an unsympathetic later addition is emphasised by the columns and pediment, neither of which reflect the design details of the original dwelling and surrounding development. The use of similar external finishes is not sufficient to visually integrate the porch with the dwelling or its setting.
11. Furthermore, the overall scale and appearance of the porch is at odds with that of most other porches in the locality. The isolated example of a similar style of porch in the vicinity, referenced by the appellant, is largely unrepresentative of surrounding buildings. As a result, the porch appears as an alien feature in the street scene, failing to reflect the proportions and design of the original dwelling and being entirely at odds with the pattern of local development. Although the Council did not object to the porch when determining the planning application in Appeal B, that does not constrain my findings on its planning merits.
12. Consequently, the roof extension and porch have caused unacceptable harm to the character and appearance of the area. This fails to accord with criteria in Policy 26 of the Havering Local Plan (LP) which require development to be informed by, respect and complement the distinctive qualities, identity and character of the site and local area, to be of high architectural quality and design, to reinforce the local street scene and to respond to distinctive local building forms and patterns of development, as well as to respect the visual integrity and established scale of the building. Furthermore, the roof extension and porch are inconsistent with the advice in the SPD set out above. Although there is no conflict with Policy D4 of the London Plan, which is concerned with the strategy for delivering high standards of design across the capital, the failure to achieve a well-designed place is inconsistent with chapter 12 of the National Planning Policy Framework (the Framework).

Living conditions

13. The French doors with a Juliet balcony in the rear elevation of the roof extension afford views over No 36's rear garden. Such overlooking is at an oblique angle and is not dissimilar to that which could already have occurred from first floor windows at the rear of the dwelling. Given the suburban setting, residential occupiers might reasonably expect to experience some overlooking from adjoining dwellings. As a result, there is no adverse effect on the levels of privacy enjoyed by adjoining occupiers in this respect.
14. It is likely that there would be direct, unobstructed close-up views over No 36's rear garden from the window in the side elevation of the roof extension, if the opaque film applied to the inner side were to be removed. Permanently obscuring the glazing would restrict overlooking from that window but would provide a poor outlook from a habitable room. However, a suitable planning condition requiring the approval by the Council and implementation within a set timescale of a scheme for blocking up and replacing the window with one in the rear elevation of the roof extension could have been imposed, had I otherwise been minded to grant approval. This would properly safeguard the levels of privacy enjoyed by occupiers of No 36.
15. Part of the roof extension projects above the roof plane adjacent to the boundary with No 36, whilst another part protrudes beyond the original rear walls of the pair of dwellings. Nevertheless, the roof extension is set above the eaves line of both properties. It does not enlarge the built footprint of the dwelling, nor does it sit appreciably above the original ridge line. As a result, the roof extension is not viewed as an oppressive feature from rear-facing rooms or in the rear garden of No 36, it has not given rise to any significantly more enclosed feel nor has it appreciably eroded the level of outlook enjoyed at that property.
16. Therefore, subject to the condition referred to above there would be no harm to the living conditions of occupiers of adjoining residential property in terms of unacceptable overlooking or loss of outlook. Protecting the amenity of the existing and future residents accords with LP Policy 7, whilst the absence of an adverse effect on the amenity of neighbours is consistent with the SPD. However, my findings on this matter do not outweigh those in respect of the other main issue, set out above.

Other Matters

17. I am given to understand that the roof extension was erected to provide separate bedrooms, home working and study space for the appellant and their immediate family, some of whom have acute health conditions. Such aspirations are understandable. However, personal circumstances can change quickly, whilst the effects of development will be long-lasting. Accordingly, this matter can only carry limited weight. Although there appears to be a measure of support for the appellant from local residents, that in itself is not a good reason to approve the roof extension and porch.
18. I appreciate the difficulties encountered by the appellant in undertaking building works during the COVID-19 pandemic. Even so, that does not warrant the setting aside of the planning harm identified above. Compliance with the Building Regulations, which relate to matters including standards of construction, has little bearing on whether planning approval should be granted for the roof extension and porch. There would be disruption, additional stress and anxiety as well as considerable financial consequences for the appellant and their family, by dismissing these appeals. Nevertheless, such impacts would be proportionate, having regard to the harm caused by the unauthorised development and the public interest of upholding the integrity of the planning system.

Planning merits conclusions

19. The roof extension and porch have caused unacceptable harm to the character and appearance of the area and do not accord with the Development Plan, as well as being inconsistent with the SPD and the Framework. Therefore, the ground (a) appeal in Appeal A and Appeal B do not succeed.

Appeal A

Ground (g) appeal

20. The ground of appeal is that the time allowed for complying with the notice requirements is unreasonably short.
21. Four months affords sufficient time for the appellant to search for and appoint a suitable building contractor to carry out the remedial works, for the contractor to become available and for the works to be carried out. There are likely to be a considerable number of contractors with the knowledge and expertise to undertake the works, who would be available if provided with a reasonable period of notice. There is little evidence of any shortage of such contractors or of waiting times for them to become available being especially lengthy. The works themselves are unlikely to be particularly complex, nor are they likely to endure for an extended period; little evidence was offered to indicate otherwise. Whilst the works would probably be costly for the appellant, there is also little evidence to suggest that any necessary finance could not be raised within the timeframe specified. As a result, extending the compliance period to eighteen months would perpetuate the breach and the planning harm caused.
22. I am nevertheless mindful that the enforcement regime is intended to be remedial, not punitive. In this regard, it seems to me entirely possible that an alternative scheme for enlarging the roof of the dwelling, albeit significantly more modest in scale, might be evolved to overcome the planning difficulties at less cost and disruption compared to the total removal of what has been built. Lengthening the compliance period to seven months would give the appellant sufficient time for the planning merits of an alternative scheme to be properly explored without unduly delaying compliance with the notice requirements. It is not unreasonable to provide a window of opportunity for the above to occur during the compliance period, in the interests of seeking to minimise the disruption to the living arrangements of the appellant and their family as far as possible. This would strike an appropriate balance between remedying the harm arising from the breach in a timely manner whilst also avoiding placing a disproportionate burden on the appellant.
23. Consequently, the ground (g) appeal succeeds to this limited extent.

Conclusions

24. For the reasons given above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended. Also, for the reasons given above, I conclude that Appeal B should be dismissed.

Stephen Hawkins

INSPECTOR