
Appeal Decision

Site visit made on 21 April 2023

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2023

Appeal Ref: APP/B5480/D/22/3312682

5 Parkview Mews, Rainham RM13 9DL

- 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 George Eke against the decision of the Council of the London Borough of Havering.
 - The application Ref P1276.22, dated 2 August 2022, was refused by notice dated 25 October 2022.
 - The development proposed was described as 'retrospective application to retain single storey rear extension at 4.2m projecting from the rear original wall'.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 4.2m projecting from the rear original wall at 5 Parkview Mews, Rainham RM13 9DL in accordance with the terms of the application, Ref P1276.22, dated 2 August 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The single storey rear extension has been built.
3. The description in my decision omits wording from the description in the banner above, which is taken from the application form, that is not itself development.

Main Issue

4. The main issue in this appeal is:
 - the effect of the extension on the living conditions of the existing occupiers of No.4 Parkview Mews having regard to outlook and natural light.

Reasons

5. No.5 Parkview Mews is a small mid-terraced house. Its main rear elevation runs level with the similar end of terrace house at No.4 Parkview Mews on one side of it. The extension stretches virtually across the full width of No.5 and its rear garden. At 4.2m in depth it is notably longer than 3m as set out in the Council's Residential Extensions and Alterations Supplementary Planning Document 2011 (the SPD), though this guidance is to be taken 'as a general rule'. In this case the side elevation of the extension is appreciably lower (2.65m) than 3m as is otherwise allowed by the SPD. Consequently, only a

- relatively narrow band of side elevation projects above the approximately 1.8m high close boarded boundary fence with the rear garden of No.4.
6. The main views out of the ground floor living room in No.4 are towards its rear garden through glazed French patio doors on the far side of this property, furthest from the extension. A smaller secondary window is closer to the extension. However, in both cases perpendicular views and sideways views away from No.5 are unaffected. Sideways views towards the extension are mainly towards the end of it and restricted by the acute angle or are upward over the lower fence or taller but open flat roof towards the sky.
 7. The rear garden of No.4 is significantly shorter than the others in this terrace and its triangular shape narrows to a point at the end. However, next to the rear elevation the garden is wider than others in the terrace because this plot is wider than the house and wraps around to the side. There is sufficient space for an outdoor table and chairs in the patio and for other normal outdoor domestic use and activity in the garden without being squeezed against the boundary fence or therefore hard up against the visible part of the extension. The hipped end of the roof of No.4 also gives a greater sense of spaciousness upwards and to one side of this garden.
 8. The end of a large outbuilding in the rear garden of No.136 Wennington Road faces towards No.4 at an angle. However, it is setback from the common boundary, does not fit across the entire width of that plot and from a tall centre ridge level the roof slopes down either side to low eaves with a mostly shallow triangular gable.
 9. Consequently, while the narrow side band of the extension has increased means of enclosure along part of the common boundary between No.4 and No.5, it is not overly intrusive, overbearing or domineering. It would also not render the ground floor habitable room in No.4 overly reliant on artificial lighting or make this room or the garden unduly gloomy. Nor would it have any of these effects even taken cumulatively with the outbuilding at No.136.
 10. Accordingly, I find that the extension does not cause harm to the living conditions of the existing occupiers of No.4 Parkview Mews having regard to outlook and natural light. It therefore complies with Policies 7 and 26 of the Havering Local Plan November 2021. These policies include that proposals should fully integrate with neighbouring development and ensure that the amenity and quality of life of existing residents is not adversely impacted.

Other Matters

11. Using the flat roof of the extension as an external living area could cause overlooking of No.4 and some other nearby dwellings and gardens. Additionally, even higher-level windows inserted in the side elevations of the extension could result in overlooking of the dwellings or gardens of No.4 or No.6 Parkview Mews. These eventualities could also cause noise and disturbance. However, suitably worded planning conditions could protect neighbours from adverse impacts in these respects.
12. Any necessary agreement under The Party Wall Act 1996 and alleged damage to private property are not within the scope of this appeal. These matters are for the respective parties.

Conditions

13. The appellant has not objected to the two conditions suggested by the Council in the event that the appeal was allowed. These are necessary for privacy for the reasons explained above. Where required, I have considered modified wording in the interests of clarity and have also had regard to the relevant tests in the National Planning Policy Framework and advice in Planning Practice Guidance.

Conclusion

14. The extension accords with the development plan. There are no other material considerations which outweigh this finding. Therefore, for the reasons given above and subject to conditions the extension is acceptable and the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (2)

- 1) The flat roof of the single storey rear extension hereby permitted shall not be used as a balcony, terrace, roof garden or similar external amenity area.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no window or other opening shall be constructed in the side (northeast and southwest) elevations of the single storey rear extension hereby permitted.