
Appeal Decision

Site visit made on 27 June 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/B5480/D/23/3319117

1 Banyards, Havering, Hornchurch RM11 2QJ

- 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 Zubair Latif against the decision of the Council of the London Borough of Havering.
 - The application Ref P1890.22, dated 16 November 2022, was refused by notice dated 20 January 2023.
 - The development proposed is Erection of single storey rear/infill extension and front/infill extension. Erection of first floor side extensions with front dormer.
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Decision

1. The appeal is allowed. Planning permission is granted for the Erection of single storey rear/infill extension and front/infill extension. Erection of first floor side extensions with front dormer at 1 Banyards, Havering, Hornchurch RM11 2QJ in accordance with the terms of the application Ref P1890.22, dated 16 November 2022 subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1B/701, 1B/702, 1B/703, 1B/704, 1B/705, 1B/706, 1B/707, 1B/708, 1B/709, 1B/710, 1B/711 Existing Site Plan & 1B/711 Proposed Site Plan.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and has been included above.

Main Issues

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 11 Nelmes Way (No.11) with particular regard to any overbearing impact or sense of enclosure.

Reasons

4. The appeal property is a large, detached dwelling, which is a dwelling type that is common within the area. The property sits on Banyards, which is a cul-de-sac accessed from Nelmes Way. No.11 sits to the south-west of the appeal property.
5. I note that the rear garden at No.11 does not have an excessive depth. However, the extension at first floor level on the south-western side of the appeal property would not be of significant height, incorporating a ridgeline which would terminate below the eaves on the main part of the dwelling.
6. Further, the first floor element would terminate level with the main rear elevation of the dwelling, therefore would only run adjacent to the garden area of No.11 for a short section of the boundary. The first floor element would also incorporate a pitched roof which would immediately slope away from the boundary of the neighbouring property.
7. The rear area of No.11 would retain a larger proportion of the more open outlook from its rear across boundary treatment, hedging and gardens, including that at the appeal property.
8. For these reasons there would be no significant overbearing impact or sense of enclosure arising as a result of the proposals. There would therefore be no significant adverse impact on the living conditions of the occupiers of No.11.
9. There would therefore be no conflict with Policy 7 of the Havering Local Plan (2021) (HLP). Amongst other things the Policy advises that development will be supported that does not result in unacceptable loss of outlook.

Other Matters

10. Large properties with wide plot coverage are an established feature of the area, therefore the resultant property would not be out of keeping with the character and appearance of the area.
11. The proposal would not result in any significant adverse impact to No.11 with regard to overlooking and privacy given the relationship of the extension to that plot. No side windows are proposed and these are controlled by restrictions on permitted development rights.
12. There is nothing to indicate that there would be any significant adverse loss of daylight or overshadowing to No.11 given that the extension would be largely set against the taller main property. I have identified no significant adverse impacts relating to 3 Banyards and neither has the Council.

Conditions

13. Planning permission is granted subject to the standard three-year time limit. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
14. There has been the suggestion of a balcony condition by the Council, however such a condition is not necessary as this is not proposed nor would it appear

easy to facilitate considering the plans. The matter is also covered by restrictions on permitted development rights.

Planning Balance and Conclusion

15. There is nothing to indicate that a decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR