



Appeal Decision

Site visit made on 7 September 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/B5480/D/23/3321892

20 Mill Park Avenue, Havering, Hornchurch RM12 6HA

- 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 D Camilleri against the decision of the Council of the London Borough of Havering.
 - The application Ref P2080.22, dated 22 December 2022, was refused by notice dated 17 March 2023.
 - The development proposed is extending property to side and rear two levels with new raised roof and fenestration alterations.
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Decision

1. The appeal is allowed and planning permission is granted for extending property to side and rear two levels with new raised roof and fenestration alterations, at 20 Mill Park Avenue, Havering, Hornchurch RM12 6HA, in accordance with the terms of the application, Ref P2080.22, dated 22 December 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Block & Site Plans – MPA4

Proposed Floor Plans and Elevations – NPA-02

Proposed Roof Plan and Street Scene – NPA-03
 - 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.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of the neighbouring property at No 18 Mill Park Avenue, with specific regard to effects relating to overbearing and outlook.

Reasons

Character and appearance

3. The appeal site is a detached dwelling within a residential street comprising a wide variety of dwelling types and styles. The diversity of the streetscape, which includes detached and semi-detached houses and bungalows in a range of architectural styles, forms a key component of the area's character.
4. The proposed development comprises various extensions and alterations to the dwelling. The Council's concerns, as set out in the officer report, relate to specific aspects of the proposal. I shall address each point in turn.
5. The Havering Residential Extensions and Alterations Supplementary Planning Document – Adopted 2011 (the SPD) is a material consideration. Although I attach some weight to the SPD, this is limited to its role as guidance rather than as part of the development plan.
6. Whilst the height of the flat roof to the proposed ground floor rear extension would be taller than is generally suggested by the SPD, the site-specific considerations mean it would not appear unduly high or bulky. The only prominent views of this element of the scheme would be from the adjoining properties, which both feature pitched roof rear extensions. The height would not significantly exceed the measurements stated by the SPD and the scale would broadly relate to existing development on adjoining plots.
7. The 3-storey rear extension would feature a rear-facing gable with a flat-roof section to the top. When viewed from both sides, the roof slopes would give the impression of a sloping roof, in a similar manner to the roof of the adjacent property at No 22. It would only be in views of the rear elevation that the flat-roofed element and windows serving 3 floors would be especially noticeable.
8. The rear elevations of properties in the street exhibit a degree of variation that is comparable to that at the street frontage. Due to the screening afforded by trees and vegetation within the gardens of the appeal property and its immediate neighbours, the rear elevation would not be highly visible from outside the boundaries of the appeal property. Although the immediate neighbouring properties generally comprise 2-storey living accommodation, the height and appearance of the proposed 3-storey extension would remain broadly compatible with the varied character of the area even if the screening was not present. As such, it would not appear out of place, bulky or detrimental to the character or appearance of the area.
9. For the reasons given above, the proposal would not harm the character or appearance of the area and would accord with Policies 7 and 26 of the Havering Local Plan 2016-2031 – Adopted November 2021 (the LP), which together seek, in respect of this issue, for residential development to be of a high design quality that respects and complements the distinctive qualities, identity and character of the site and local area.

Living conditions

10. The first-floor rear elevation of the adjoining property of No 18 is staggered. The part of the rear elevation closest to the boundary with the appeal site is recessed and features a rear-facing window. The proposed development would

introduce a first-floor side extension that would extend further to the rear than the neighbouring window at No 18.

11. Both the window of No 18 and the side extension would be set away from the shared boundary, and the rear elevation of the side extension would not extend to the full depth of the proposed 3-storey rear extension. Whilst it is likely that the first-floor side extension would be visible from the rear-facing window of No 18, it would not extend significantly further to the rear. Coupled with the separation from the shared boundary, an acceptable degree of outlook would be retained, and the proposed development would not appear overbearing.
12. For the reasons given above, the proposal would retain an acceptable degree of outlook and would not appear overbearing to the occupiers of the neighbouring property at No 18 Mill Park Avenue. The proposal would therefore retain acceptable living conditions for these occupiers and would accord with Policies 7 and 26 of the LP, which together seek, in respect of this issue, to ensure that residential development ensures the amenity and quality of life of existing and future residents is not adversely impacted, and that development proposals contribute to the creation of successful places.

Conditions

13. The Council has provided a list of suggested conditions that I have considered against the provisions of paragraph 56 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG).
14. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. A condition requiring the external materials to match closely with the existing building is necessary to ensure the development delivers a high standard of design and reflects the character and appearance of the area.
15. To protect the living conditions of neighbouring occupiers, the Council suggests conditions to remove permitted development rights for the installation of windows or other openings in the flank walls, to require the window on the flank wall to be obscure glazed and non-opening, and for the roof area of the extension not to be used as a balcony, roof garden or similar amenity area. I have considered these suggested conditions against the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), and I am not persuaded that the proposed development would lead to circumstances where additional controls would be required over and above those set out in the GPDO to protect the living conditions of neighbouring occupiers. As such, these conditions would not meet the tests set by paragraph 56 of the Framework in that they are not necessary or reasonable.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions listed in my formal decision.

P Storey

INSPECTOR