



Appeal Decision

Site visit made on 14 December 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2024

Appeal Ref: APP/B5480/D/23/3328513

42 Wennington Road, Rainham, Havering, RM13 9UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs O Saad against the decision of the Council of the London Borough of Havering.
 - The application Ref J0014.23, dated 19 May 2023, was refused by notice dated 19 July 2023.
 - The development proposed is the creation of a first-floor extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) for the creation of a first floor extension at 42 Wennington Road, Rainham, Havering, RM13 9UB, in accordance with the application ref J0014.23 made on 19 May 2023 and the details submitted with it, including plan nos. site location plan, mma.477, mp.213454, mp.277454, mma.478, mp.27454 and mp.297454, and subject to the standard conditions set out in sub-paragraphs AA.2.(2) and AA.2.(3) of the GPDO.

Preliminary Matters

2. Under Article 3(1) and Class AA of Part 1 of Schedule 2 of the GPDO, planning permission is granted for the enlargement of a dwellinghouse by the construction of one additional storey, where the existing dwellinghouse consists of one storey, together with any reasonably necessary engineering operations. This is subject to compliance with various criteria, which are set out under paragraph AA.1.(a) to (k). The main parties are agreed that all of the criteria in paragraph AA.1 are met and accordingly, the proposal would fall within the scope of permitted development rights, subject to consideration of relevant matters of prior approval.
3. Condition AA.2.(3)(a) requires that before beginning the development, the developer must apply to the local planning authority for prior approval as to, amongst other things, the impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light. It is this issue that the Council has based its refusal upon.

Main Issue

4. The main issue in this appeal is therefore whether prior approval should be granted, having regard to the effect of the proposed development on the amenity of occupiers of any adjoining premises.

Reasons

5. The appeal property comprises a detached bungalow, which is situated between a further detached bungalow (No.40 Wennington Road) and a substantial two-storey high apartment building (Christine Court). The wider area is comprised of predominantly two-storey houses, with some bungalows to the rear of the site.
6. There is a narrow pathway, belonging to No.40 Wennington Road, which separates No.40 from the appeal site. Both properties have existing ground floor windows facing this pathway and each other. No additional side elevation windows are proposed. The rear windows in the new extension would enable occupiers of the appeal property to see into the rear garden of No.40. However, this is already overlooked by multiple surrounding two-storey dwellings, as is generally accepted in urban areas. As such, the proposal would not result in an unacceptable loss of privacy to occupiers of No.40.
7. The appeal property only projects very marginally beyond the rear elevation of No.40 Wennington Road. The proposal would have a hipped roof that slopes away from neighbouring properties, and it would not extend upwards above the existing rear projection that is currently occupied by the kitchen and rear bedroom. Consequently, despite the proposal being visible from some rear windows and the garden area of No.40, there would be no significant increase in overshadowing from the proposal and it would not appear visually intrusive or dominant.
8. Christine Court is separated from the appeal site by a wide private access road. The gap between these two buildings is in excess of 5m. The depth of the extension would be less than half of that of Christine Court and the hipped roof would slope away from it. Although the appeal property currently has ground floor windows facing Christine Court, which are partially screened by boundary fencing, no new side facing windows are proposed. The proposed new first floor windows would be at an oblique angle to those in the side of Christine Court and would not therefore result in any unacceptable loss of privacy to occupiers of that building.
9. Christine Court has multiple ground and first floor windows facing the appeal site. I have not been advised which rooms each of the windows serve. The outlook from these appears to be that of the access road to the car park behind Christine Court, the side and roof of the existing bungalow and taller properties beyond. As the depth of the appeal property would not be increased and the upward extension would not extend the full depth of the existing property, those windows that currently overlook the rear part of the bungalow and its garden would continue to do so.
10. Given the location of the appeal property to the northwest of Christine Court, together with its separation distance, and the height, depth and hipped roof design of the proposal, the extension would not result in any significant loss of

light or outlook and would not be visually intrusive, overbearing or over dominant when viewed from Christine Court.

Other Matters

11. In addition to the main issue above, concerns have been raised regarding potential problems and disruption that could be caused during the construction phase of the proposed development. There is a pedestrian access gate from the rear garden of the appeal site onto the private access drive serving the car park to Christine Court. Concerns have been raised that workmen may use this gate to access the site during the construction of the extension and may also use or obstruct the private access.
12. The above concern would be addressed by condition AA.2.(3)(b) of the GPDO, which requires that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.

Conditions

13. The conditions suggested by the Council, relating to matching materials and restricting the installation of new windows in the side elevations of the appeal property, replicate those included in the GPDO, which automatically apply and need not be repeated in decisions.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed, and prior approval is granted.

R Bartlett

INSPECTOR