



Appeal Decision

Site visit made on 17 January 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 31.01.2024

Appeal Ref: APP/B5480/D/23/3332403

2 Albert Road, Romford, RM1 2PJ

- 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 Brett Cooper against the decision of Havering London Borough Council.
 - The application Ref P1132.23, dated 18 July 2023, was refused by notice dated 13 September 2023.
 - The development proposed is a ground floor rear extension including side return.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension including side return at 2 Albert Road, Romford, RM1 2PJ in accordance with the terms of the application, Ref P1132.23, dated 18 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan,) shall be formed in the flank walls of the building hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the neighbouring occupiers at No.4 Albert Road.

Reasons

3. The appeal site is a two-storey end of terrace house with a two-storey outrigger characteristic of this form of dwelling. The surrounding area consists of two-storey houses of various styles and designs. The front of the appeal property faces north-east. To the north-west there are properties fronting

Victoria Road: immediately adjacent to the appeal site is the rear yard of a pub at the corner of Albert Road and Victoria Road, and a car park serving a modern block of flats. Thus the only concern about a residential neighbour relates to the house at No.4. Number 4 has a similar but handed layout, with an outrigger on the far side of the curtilage.

4. The council's Residential Extensions and Alterations Supplementary Planning Document (SPD) is the most relevant of the local planning documents. The SPD, in respect of terraced dwellings, normally permits rear extensions of 3m. I note that, for a semi-detached house, this figure increases to 4m; as an end of terrace house, the appeal property shares some characteristics of a semi-detached dwelling. Be that as it may, the proposed extensions measure 5.85m from the main rear wall of the house, substantially more than the guidance allows for. However, it is necessary to consider the matter in relation to the particular circumstances of the case.
5. The council's concern with respect to No.4 Albert Road is the potential impact in terms of loss of light and loss of privacy. In these respects, it is the height, including the roof and the depth of the extension that must be considered. The height would vary from 2.3m to 3m with the mono-pitch roof sloping up and away from this neighbour. Thus the top of the roof at the boundary would be 300mm above the 2m high fence. This would add a degree of enclosure to the area between boundary and the neighbour's outrigger. However, it appeared to me that this area is primarily used for traversing between the door and the rear garden. It is paved, but I saw that the neighbour's patio area, with table and seating, is some way down the garden.
6. It is also relevant to note the orientation of the houses: south is at about 60° round from the line of the common boundary, so that for most of the day the proposed extension would have no effect on sunlight. The light colour finish on the neighbour's outrigger would also reflect light into this space. There would be no significant effect on the outlook from the 3 windows facing the garden. I have concluded that the effect on the living conditions of the neighbouring occupiers at No.4 Albert Road would not be such as to warrant the refusal of planning permission. I will therefore allow the appeal.

Conditions

7. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance and I am adopting them. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; conditions 3 and 4 are to ensure that there would be no loss of privacy or damage to the environment of neighbouring properties.

Terrence Kemmann-Lane

INSPECTOR