



Appeal Decision

Site visit made on 6 February 2024

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2024

Appeal Ref: APP/B5480/C/23/3327970

130 Corbets Tey Road, Upminster RM14 2ED

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Mark McGhee against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 19 July 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of an outbuilding within the front garden.
 - The requirements of the notice are:
 1. Demolish or remove the outbuilding within the front garden; AND
 2. Remove all debris, rubbish or other materials accumulated as a result of taking step (1.) above.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

2. The site visit procedure was altered from an accompanied site visit to an access required site visit, as the Council Officer was not present when I arrived at the appeal site during the pre-arranged time and date. Both parties were subsequently written to explaining the change in procedure. As such the appeal will be determined on this basis.
3. At the time of the site visit the outbuilding in the front garden, the subject of this appeal, had been dismantled. However, the structure was in situ when the notice was served, and photographs of the structure have been submitted with the appeal documents. Therefore, the appeal has been determined on this basis.
4. I have also dealt with another appeal (Ref: APP/B5480/C/22/3312423) on this site. That appeal is the subject of a separate decision.

Ground (a) and the Deemed Planning Application (DPA)

Main Issues

5. The main issues are the effect of the development upon:

- the character and appearance of the area; and
- the living conditions for the occupiers of 128 and 132 Corbets Tey Road, with particular regard to outlook.

Reasons

Character and appearance

6. This section of Corbets Tey Road is characterised by detached and semi-detached residential properties. Most of the front gardens comprise low front boundary treatments and some planting which gives the area a pleasant soft-landscaped and open character.
7. The London Borough of Havering's Residential Extensions and Alterations Supplementary Planning Document, 2011 (Residential SPD) outlines that in assessing proposals for outbuildings, the Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment. As with all extensions, outbuildings should not detract from the character of the area and should be unobtrusively located to the side and rear of the existing dwelling.
8. I appreciate a fence has been installed along the boundary with No 132 and there is a bus shelter in front of the site, which partially screens the outbuilding. Nevertheless, given its height, size and prominence, the outbuilding forms a large, obtrusive and incongruous feature in the front garden which is at odds with the prevailing open character. The presence of vehicles parked in the front garden does not overcome this harm.
9. I conclude that the development harms the character and appearance of the area, in conflict with Policies 7 and 26 of the Havering Local Plan 2016 – 2031, adopted in 2021 (LP), which amongst other things requires residential development to be of a high-quality design that contributes to the creation of successful places in Havering.

Living conditions for the occupiers of 128 and 132 Corbets Tey Road with regard to outlook

10. The Residential SPD states that outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties. Owing to its position set back away from any neighbouring windows, I am satisfied that the outbuilding does not result in any loss of outlook to the occupiers of Nos 128 and 132 Corbets Tey Road.
11. Therefore, the development provides acceptable living conditions for the occupiers of 128 and 132 Corbets Tey Road with regard to outlook. Accordingly, the development is in accordance with the section of Policy 7 of the LP, which states that the Council will support developments that do not result in unacceptable loss of privacy or outlook.

Conclusion on Ground (a) and the DPA

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development harms the character and appearance of the area in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the benefits of providing cycle storage for the dwelling outweighs this harm identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
13. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR