



Appeal Decision

Site visit made on 8 February 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/B5480/D/23/3331672

7 Ashlyn Grove, Hornchurch RM11 2EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Raghav Kalra & Mrs Garima Sehgal against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0937.23.
 - The development proposed is a double storeyed side extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am in receipt of amended plans from the plans considered by the Council. The amended plans show that a hipped roof is proposed instead of a gable end as originally proposed. As this is a minor amendment, and the Council's concerns on the original set of plans are clear in their evidence, I do not consider that their interests would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal on the basis of the amended plans.
3. On 20 December 2023, the Government published its revised National Planning Policy Framework ('the Framework'). The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a two-storey semi-detached dwelling situated on a prominent corner junction between Ashlyn Grove and Helen Road. It is located in a predominantly residential area where there is a range of dwelling styles and sizes.
6. The appeal property forms one of four corner properties situated on the crossroad junction between Ashlyn Grove and Helen Road. Although they are of different styles, and two of these are bungalows, they all have open space to the side of the building which positively contributes to giving a sense of spaciousness around the junction.

7. The amended design in isolation relates reasonably well to the host dwelling, incorporating a set-back, dropped ridge, hipped roof and aligned fenestration.
8. The development would however bring the property right up to the footpath edge at two-storeys in height. The extension would extend deep into the site and significantly exceed the existing first floor rear building line of the property. The result would be that a considerable expanse of solid wall would front directly onto the pavement edge. Due to its overall bulk, scale and mass it would appear dominant and oppressive, harmfully eroding the sense of spaciousness that currently exists.
9. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) (2011) outlines that for side extensions on corner properties the flank wall must be set back at least one metre from the back edge of the footway and should not project forward of the building line of properties along the adjoining street in order to maintain the building line. The proposed development would not comply with the requirement.
10. My attention is drawn to similar extensions to properties¹ on Squirrels Heath Lane which are in close proximity to the appeal site. The Council set out that the extension to no. 151 pre-dates the SPD and the extension at no. 153, in terms of departing from the SPD, was justified due to the extension directly opposite.
11. I acknowledge the existing extensions to which I have been referred. To my mind, however, these serve to confirm the harmful and dominant impact that such extensions can have on the street-scene. They are also in a slightly different context to the appeal site and its surroundings. They do not justify allowing further harmful development to occur, and I have also determined the appeal on its own individual planning merits.
12. The property has an extant planning permission for a single storey extension to the side that was allowed at a planning appeal². Whilst that development would be of a similar siting and would also be built to the footpath edge, it is for an extension of significantly less bulk, scale and mass than the appeal proposal. Therefore, it is not a directly comparable fallback, and is of limited weight in the appeal.
13. In addition to the extant consent, the appellant outlines that the fallback would also include the undertaking of a hip-to-gable conversion with the addition of a large rear dormer. There is nothing before me to confirm that such alterations would constitute permitted development for me to give it significant weight. Even so, it would not be the same as the appeal proposal which would extend to the footpath edge over two stories. I therefore also give this limited weight in the appeal.
14. The proposed development would therefore have a harmful effect on the character and appearance of the area. It would be contrary to Policy 26 of the Havering Local Plan (2021) and Policy D3 of the London Plan (2021). These policies require, amongst other things, that developments are of high-quality design, that respects, reinforces and complements the local street-scene. The proposed development would also be contrary to the SPD as set out above.

¹ 151 and 153 Squirrels Heath Lane

² APP/B5480/D/21/3275409

15. The development would also be contrary to the requirement of the Framework that development that is not well designed should be refused, especially where it fails to reflect local design policies, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Other Matters

16. The appellant has referred to case law³ which confirmed that previous decisions are capable of being material considerations so that there is consistency in decision making. I have had regard to the case law and given reasons why, although having regard to the examples I have been referred to, they do not justify allowing the appeal.
17. The appellant has also referred to various other examples of side extensions at different properties⁴ in the surrounding area. The examples are well set out in the evidence; however, I do not have full details of the cases or their planning background to give them significant weight in the appeal. Furthermore, in some cases the developments are for single storey side extensions and thus are not directly comparable to the appeal development. In others they serve to confirm the harm that can be caused by having dominant extensions abutting the footpath.
18. I acknowledge that the development would provide additional living accommodation for the occupants of the property. Such personal circumstances, however, seldom outweigh general planning considerations and I therefore give them limited weight in the appeal.

Conclusion

19. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
20. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

³ North Wiltshire DC v SoS for the Environment (1993); Midcounties Co-operative Ltd v Forest of Desn DC (2017)

⁴ 14 Cecil Avenue, 1 Birch Crescent, 101 Birch Crescent, 14 Harwood Avenue, 16 Harwood Avenue, 121 Ardleigh Green Road, 62 Heath Park Road, 82 Heath Park Road.