



Appeal Decision

Site visit made 6 March 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2024

Appeal Ref: APP/B5480/D/23/3334795

8 Caernarvon Close, Havering, Hornchurch, RM11 3QL

- 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 Ahmed Hyuseinov against the decision of the Council of the London Borough of Havering.
 - The application Ref P1217.23, dated 2 August 2023, was refused by notice dated 13 November 2023.
 - The development proposed is an outbuilding in replacement of a previous garage.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding in replacement of a previous garage at 8 Caernarvon Close, Havering, Hornchurch, RM11 3QL in accordance with the terms of the application, Ref P1217.23, dated 2 August 2023, and the plans submitted with it, subject to the following condition:
 - 1) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Caernarvon Close, Havering, Hornchurch, RM11 3QL.

Procedural matter

2. The original description of development referred to the conversion of an existing garage. However, it was clear at my site visit that the proposed outbuilding, which was in place, would be a replacement building. I have therefore used the Council's description of development in this decision because it more accurately reflects the development proposed.

Main Issues

3. There are two main issues. Firstly, the effect of the proposed outbuilding on the character and appearance of the appeal site and the surrounding area; and secondly, the effect of the proposed outbuilding on the living conditions of occupiers of 10 Caernarvon Close with respect to outlook.

Reasons

4. The appeal site comprises a semi-detached house set in a spacious cul-de-sac of similar dwellings and on a modest plot that rises towards the rear boundary.
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There is no dispute that there was a garage in the same location as the proposed outbuilding. It is the appellant's case that the replacement building has the same footprint (some 6.75m by some 3.15m) as the original garage. The Council notes a discrepancy between the footprint shown on the Block Plan, which it estimates to be some 5.7m by 2.4m and that on the submitted plans.

5. Since both buildings are shown set close to the shared boundary any additional width would be towards the garden of the appeal site which is wide enough to accommodate it without being cramped. In terms of length, if this has increased it would appear from the evidence to be towards the far end of the garden and set into the rising ground. It would also fall noticeably short of the rear boundary. The length and width, as proposed, do not therefore materially impinge on the character or appearance of the appeal site or the surrounding area.
6. The Council suggests that the building would be larger than and out of keeping with other garden buildings nearby and in particular that the dual pitched roof would be out of character. However, whilst the proposed building would appear larger than others in the immediate vicinity, it did not overwhelm the appeal site. Its set down towards the rear, into the rising ground, which limits its height, and the pitched roof form with eaves adjacent to and just above the shared boundary with No 10 would combine to limit its effect on the surrounding area. Moreover, larger outbuildings appear to be characteristic of the wider area.
7. Overall, the outbuilding, if allowed to remain, would, notwithstanding its scale and design, be in keeping with the surrounding area where outbuildings of various sizes are commonplace and would be compatible with the established pattern of development.
8. It is concluded on the first main issue that the proposed outbuilding would have no materially detrimental effect on the character or appearance of the appeal site or the surrounding area. In consequence, it would comply with Policies 7, 10 and 26 of the Havering Local Plan 2016-2031 (LP), adopted 2021, which, taken in the context of strategic policies D3 and D4 of The London Plan, 2021, and amongst other things expect garden development to be of a high quality design that is informed by, respects and complements the distinctive qualities, identity and character of the site and local area.
9. Turning to the living condition of occupiers of No10, the boundary fence between the two sites is high. The eaves of the proposed outbuilding would sit just above this fence and the pitched roof would slope away from the shared boundary to a maximum height of some 2.5m above original ground levels at the back and about 3.2m above original ground levels at the point closest to the dwelling. It is the appellant's case that the original garage had a roof that followed the original ground level and was about 2.8m above this, thus appearing higher at the rear and lower at the front than the appeal building. The Council does not dispute this.
10. No 10 is set away from the shared boundary with a pedestrian access to the side and its rear garden rises with the slope of the ground. Overall, I am therefore satisfied that in combination the separation distance, together with the limited height of the eaves above the boundary fence, the pitch of the roof

away from the shared boundary and the limited overall height of the proposed outbuilding would ensure that it had no materially harmful effect on the living conditions of occupiers of No 10 with respect to outlook or an overbearing feeling.

11. It is concluded on the second main issue that the proposed outbuilding would have no materially harmful effect on the living conditions of occupiers of 10 Caernarvon Close with respect to outlook. In consequence, it would comply with LP Policies 7 and 26 insofar as they expect residential development to be of a high quality of design that protects the amenity of existing and future residents and in particular does not result in an unacceptable loss of outlook.
12. Turning to conditions, since the development has been carried out a commencement condition and conditions requiring the development to be carried out in accordance with the approved plans and in materials matching those used in the existing building are not necessary. The Council also suggests a condition limiting new openings. However, since the building is substantially below the height of the boundary fence and close to it, any new openings would have no material effect on the privacy of neighbouring occupiers. I therefore find the condition unnecessary.
13. Finally, the Council suggests a condition limiting the use of the building to purposes incidental to the enjoyment of the dwelling. This is a reasonable and necessary restriction since the effects of a use for any other purpose have not been assessed. I shall adjust the Council's suggested wording to correspond with that set out in Appendix A to Circular 11/95 which is retained, despite the circular itself having been cancelled.
14. For the reasons set out above and having regard to all other matters raised, including the support of a third party, I conclude that the appeal should be allowed.

KE Down
INSPECTOR