



Appeal Decisions

Site visit made on 30 April 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2024

Appeal A Ref: APP/B5480/W/23/3332705

19 Ashwood Avenue, Rainham RM13 9AS

- 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 Sandeep Kalyan against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0752.23.
 - The development proposed is 2 x 4-bed, New-Build dwellings with rear dormers and front rooflights, with associated parking and amenity space, involving demolition of existing dwellings, together with the creation of a new crossover.
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Appeal B Ref: APP/B5480/W/23/3332711

19 Ashwood Avenue, Rainham RM13 9AS

- 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 Sandeep Kalyan against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1215.23.
 - The development proposed is 2 x 4-bed, New-Build dwellings with rear dormers and front rooflights, with associated parking and amenity space, involving demolition of existing dwellings, together with the creation of a new crossover.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed rear dormers. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, insofar as the contents are relevant to these appeals, the Framework has not changed. Therefore, I am satisfied no party would be disadvantaged by not having the opportunity to comment on the revised Framework.
5. I understand planning consent for two dwellings on the appeal site was granted in 2022 (application Ref P1334.22).

Main Issues

6. The main issues common to both appeals are the effect of the proposals on:
- the character and appearance of the host dwellings and surrounding area; and
 - the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and appearance

7. The appeal site is in a suburban residential area, comprising mostly terraced or semi-detached houses and small blocks of flats. The urban grain is relatively compact with mostly small plots and proximity between neighbouring properties. Houses are generally modest in scale and of traditional appearance, with pitched roofs and casement-style rear windows. I observed several rear dormer roof extensions in surrounding streets, with windows similar in design to those in the upper floors of their host properties. However, rear dormers are not so prevalent as to be intrinsic to the character of the area.
8. Guidance on the design of dormers in the Havering Residential Extensions and Alterations Supplementary Planning Document 2011 (SPD) is pertinent to consideration of character and appearance, notwithstanding that the proposal in both appeals involves new build rather than alterations. The SPD seeks rear dormers that are contained well within the body of the roof, set well back from the eaves and with sides well in from gables or party walls. Dormers with pitched roofs set at right angles to the main roof are preferred. The SPD states dormer windows should relate to others in the house in proportion, design and position.

Appeal A

9. The rear dormer proposed on each of the two new houses would be very large, filling almost the full width and depth of each roof. The scale of the dormers would therefore be out of proportion with the relatively modest size of the host dwellings and neighbouring properties. In addition, the proposed full width and height glazing would be dominant and incongruous compared to the understated size and design of the other windows at the rear of the new houses and in nearby homes. This would detract from the appearance of the new houses and look discordant in the street scene when viewed from gardens and the public realm to the rear of the site, despite not being visible from the front.
10. The scheme would therefore conflict with the SPD guidance, notwithstanding that pitched roofed dormers are proposed and that they would not exceed the height of the proposed rooftops.
11. For the above reasons, I conclude the proposal subject of Appeal A would have a harmful effect on the character and appearance of the host dwellings and surrounding area. This is contrary to Policy 26 of the Havering Local Plan 2021 (HLP), which seeks proposals of high-quality design that respect, reinforce and complement the local street scene and respond to the established scale of

buildings. It is also contrary to the Framework, which seeks visually attractive developments that are sympathetic to local character.

Appeal B

12. The rear dormers proposed in Appeal B would be set further in from the sides and eaves of the host roofs than those in Appeal A. They would therefore be more in proportion with the size of the new houses. However, although the dormers would have less glazing than in Appeal A, the proposed windows would still be full-height, more akin to ground floor French doors rather than the upper-floor casement windows prevalent in the area and proposed for the first-floor rear windows of the two new houses. For this reason, the proposed dormer windows would not relate well to other windows in the new houses in proportion or design. They would also look discordant in the street scene. This would conflict with the SPD.
13. I therefore conclude the proposal subject of Appeal B would have a harmful effect on the character and appearance of the host dwellings and surrounding area, contrary to HLP Policy 26 and the Framework.

Living conditions

Appeal A

14. The scale of the proposed rear dormers would be dominant and overbearing for those using the modest rear gardens of the neighbouring properties fronting Ashwood Avenue and Leston Close, particularly bearing in mind the compact pattern of development in this location. The full height glazing at roof level would also result in considerable overlooking of these immediately adjacent gardens, including parts of the rear gardens at 15-16 Glenwood Avenue.
15. I recognise the rear gardens of the Leston Close and Glenwood Avenue dwellings are shared. Nevertheless, users would still have a reasonable expectation of privacy from neighbours. In the case of the Leston Close garden, overlooking from roof-level habitable rooms with extensive glazing next door would be materially more intrusive than occasional comings and goings in the carpark, so its partial lack of boundary treatment is of little consequence. The other flats in Leston Close are at some distance with habitable room windows that are smaller and angled away from Nos 1-4. Therefore, these considerations do not alter my finding on this issue.
16. Given the Juliet balconies proposed, future occupiers would reasonably expect to be able to open the full height glazed doors. Consequently, a condition requiring restricted opening and/or obscured glazing, to protect privacy, would not meet the test of reasonableness.
17. I therefore conclude the proposal subject of Appeal A would have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to outlook and privacy. This is contrary to HLP Policy 7, which resists unacceptable overlooking or loss of privacy or outlook for existing residents. It is also contrary to the Framework, which requires a high standard of amenity for existing users.

Appeal B

18. The reduced scale of the dormer proposed in Appeal B would not have a materially harmful effect on the outlook of neighbouring occupiers. However, although the extent of glazing would be reduced compared to the Appeal A proposal, the full-height French doors would still be of a considerable size. As above, occupiers would have a reasonable expectation that they would be able to open them. Therefore, there would be overlooking and the perception of overlooking into the nearby rear gardens. This would have a detrimental effect on the privacy of neighbouring occupiers.
19. As in Appeal A, given the proposed Juliet balconies a condition requiring restricted opening and/or obscured glazing to protect privacy would not meet the test of reasonableness.
20. I therefore conclude the proposal subject of Appeal B would have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to privacy, contrary to HLP Policy 7 and the Framework.

Other Considerations

21. I have considered the examples brought to my attention of rear dormers granted permission in the Borough. Some are more modest in scale than either of the two proposals before me. In addition, even in the larger examples, the glazing is more in keeping with existing windows in the host dwellings and/or is of more understated proportions than would be the case in either Appeal A or Appeal B.
22. There are few details before me of the areas surrounding these other developments. I note they are located some distance from the appeal site so do not form part of the immediate context which is important here for consideration of effects on the character and appearance of the surrounding area or on the living conditions of neighbouring occupiers. Consequently, I am not persuaded the circumstances in these other examples are sufficiently closely related to those before me to be directly comparable. I have considered the two appeal schemes on their individual merits.
23. I note the full height glazing with Juliet balconies at the rear of premises in Glenwood Avenue. Even if these windows are comparable in size to those proposed in Appeal B, the properties in question have considerably longer gardens and are at an oblique angle to neighbouring premises. Therefore, the circumstances affecting neighbouring occupiers' privacy are materially different from those in the current appeals.
24. Consequently, notwithstanding that architectural preferences evolve over time, none of the other examples brought to my attention leads me to a different conclusion on the main issues in either Appeal A or Appeal B.
25. Whether or not the proposed rear dormers would offer higher quality internal space, this does not overcome the harms I have identified to character and appearance and living conditions of neighbouring occupiers.
26. The appellant has referred to permitted development rights as a potential fall-back position, but I have seen nothing to suggest they would genuinely pursue this option if the appeals failed or that such a scheme would be similar to, or

worse than, either of the two proposals before me. As such, it is a consideration of negligible weight.

27. The Council has raised no concern with the principle of two new houses on the appeal site, other aspects of the proposed design, other effects on living conditions, parking or highway safety. On the evidence before me, I see no reason to disagree with these conclusions in either Appeal A or Appeal B. However, an absence of harm in these respects is a neutral factor.
28. LP Policies H2, D3 and D4 support the optimisation of small sites for housing, but this is subject to a design-led approach that responds to existing character and delivers appropriate outlook and privacy. For the reasons given above, the proposals in Appeals A and B would not satisfy these requirements.
29. As noted above, I consider the Policies most important for determining these appeals to be consistent with the Framework, so this does not provide a reason for the presumption in favour of sustainable development to be engaged.
30. The Council's decision-making procedures are outside my remit in determining these appeals. Whether or not an opportunity for design amendments was provided during the period for determination of the original planning applications, I am required to consider these appeals on their merits based on the evidence before me.

Conclusion

31. I conclude the proposals in Appeal A and Appeal B conflict with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, both appeals should be dismissed.

C Carpenter

INSPECTOR