



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: 4th June 2024

Appeal Ref: APP/B5480/D/23/3330952

188 Brentwood Road, Romford, RM1 2RT

- 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 M Arif against the decision of Havering London Borough Council.
 - The application Ref P0903.23, dated 7 June 2023, was refused by notice dated 3 August 2023.
 - The development proposed is a two storey side and single storey rear/front extensions.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 6 February 2024.

Decision

1. The appeal is allowed and planning permission is granted for a two storey side and single storey rear/front extensions at 188 Brentwood Road, Romford, RM1 2RT in accordance with the terms of the application, Ref P0903.23, dated 7 June 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 reference 7166/50, 7166/51, OS Mastermap - Scale 1:500, OS Mastermap - Scale 1:250.
 - 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 wall 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 ground floor rear 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.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no porches shall be erected to the front or side of the extension hereby permitted, without the express permission in writing of the Local Planning Authority

Preliminary matter

2. The decision notice expressed the decision as a refusal "*to modify/discharge the planning obligation*". Obviously this was a typing error since the rest of the notice clearly referred to "*Two storey side and single storey rear/front extensions*".

Main Issue

3. A previous planning permission was given for the ground floor side and rear extensions under planning application P0309.23. Therefore these elements of the proposal are not in contention. Furthermore, the single storey front extension meets the council's policy, and the officer's report concludes that the first floor side extension would be subservient to the host dwelling, whilst the rear extension would relate acceptably to the existing dwelling. Therefore the proposed extensions are considered to be of acceptable design that would relate well from the visual point of view. Thus the single issue in this case is the effect of the proposed first floor side extension on the living conditions of neighbouring occupiers at No.190 (the neighbour) Brentwood Road.

Reasons

4. Since the ground floor side and rear extensions are deemed acceptable, and bearing in mind the substantial rear extension to the neighbour, the effect of the proposed first floor side extension on the living conditions of the neighbouring occupiers, realistically, is only in respect of the first floor window nearest the common boundary. The concern is the extent that this part of the proposal would have in terms of reduction of light and outlook to this window.
5. I am told that the present use of the room lit by this window is for computer/games, and that blackout blinds are used. Nevertheless, it could also be used for what I understand was its original purpose, that of a bedroom. My approach in considering the issue of light and outlook is on the basis of use as a bedroom. An initial consideration is that the neighbour is built on ground level some 0.6m higher than the appeal property due to the local landform.
6. Because of the concern that the submitted block plan does not accurately show the relationship between the neighbour and the first floor extension, I have had to make a calculation of how far the proposed first floor extension would project beyond the rear elevation with the subject window. The appellant's appeal statement includes a photograph taken from the landing window of the appeal dwelling that shows the relationship with that rear wall. Plotting the relevant line on the plans suggests that the extension would project 3.7m from the neighbour's first floor rear elevation. This accords with the dimension provided in the appellant's appeal statement. I have also had to estimate the distance that the nearest side of the window is from the boundary.
7. Taking these factors into account, and bearing in mind that the rear elevations of these houses face just off of south, and the fact that the window has a horizontal emphasis and is quite wide, I do not consider that the window would be deprived of any significant sun or daylight. In addition, my assessment of the extent to which the side wall of the first floor extension would intrude into the outlook, again taking account of the factors that I have mentioned, is that the effect would not be so substantial as to justify the refusal of permission.

8. I have taken account of the approach that the officer used in considering the proposal in terms of the guidance in the council's Residential Extensions and Alterations Supplementary Planning Document, which was to make a judgement as if this part of the proposal were a rear extension, because of the staggered relationship of the two. I can understand this reasoning, but rather than rely on the guidance, which itself states that it is not possible to have a specific policy or guidance note covering every possible scenario and makes clear that a more flexible approach may be needed on some occasions, I have made my judgement on the particular circumstances that I saw on site.
9. For the reasons given, I will allow the appeal.

Conditions

10. 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 . The council's conditions deal with the development conforming to the submitted plans, prohibiting any flank window being inserted without express permission, ensuring the rear extension is not used as a balcony, and that no additional front porch shall be erected without express permission.
11. I will impose these conditions since I consider that they are necessary for certainty and avoidance of doubt as to the development permitted, to ensure no loss of privacy to the neighbouring property, and to enable the council to retain control over future development.

Terrence Kemmann-Lane

INSPECTOR