



Appeal Decision

Site visit made on 21 February 2024 by A Khan BSc (Hons) MA

Decision by S Edwards BA MA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2024

Appeal Ref: APP/B5480/D/23/3330595

69 The Grove, Upminster RM14 2ES

- 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 and Mrs David Brown against the decision of the Council of London Borough of Havering.
 - The application Ref is P0723.23.
 - The development proposed is single storey side/rear extension involving demolition of existing.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side/rear extension involving demolition of existing at 69 The Grove, Upminster RM14 2ES, in accordance with the terms of the application, Ref P0723.23 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans: TG:69:JAWS:3, TG:69:JAWS:4, TG:69:JAWS:5.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows (other than those expressly authorised by this permission) shall be constructed on the side elevations of the extension.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised during the life of the appeal. The substantive elements thereof as they relate to the appeal scheme have not changed. I have not therefore sought the views of the main parties.
4. The description of development as detailed on the application form has been amended in subsequent documents. I have used the description included in the

Council's Decision Notice, which describes the proposal accurately and concisely.

5. The Council's Decision Notice does not refer to development plan policies. I have therefore made my recommendation, having regard to the policies of the Havering Local Plan 2016-2031 [Adopted November 2021] (LP) which were mentioned in the Case Officer Report, as well as the Residential Extensions and Alterations Supplementary Planning Document [Adopted 2011] (SPD) .

Main Issue

6. The main issue is the effect of the proposal on the living conditions of the neighbouring occupants of 71 The Grove (no 71), with particular regard to outlook and sunlight.

Reasons for the Recommendation

7. The appeal property lies in a residential area of predominantly semi-detached dwellings set within long, narrow rear plots. Rear alterations and extensions are typical of the area. Most extensions are single storey that are visible from neighbouring properties.
8. No 71 is a semi-detached property with an attached garage built along the boundary shared with the appeal site. There is a conservatory to the rear of the property, which lies near the boundary shared with no 73 The Grove (no 73). The proposed addition would be deeper and wider than the existing extension, thus bringing it closer to the boundary of no 71. It would extend further than the general rule envisaged within the SPD. The extension would also technically breach the 45-degree rule set out in the SPD. That said, a reasonable degree of separation would be maintained between the extension and this neighbouring property, including the conservatory, particularly due to the intervening garage. By reason of its flat roof design, the height of the extension would also remain relatively modest, which would ensure that it does not unduly stand out and cause significant harm to the outlook enjoyed by current and future occupiers of no 71.
9. Concerns have been raised by the Council regarding the sense of enclosure that would be experienced by these neighbouring residents, due to the combination of the proposed development and the existing extension at no 73. However, for the reasons given above, and taking into consideration the deep nature of the plots in this area, I am satisfied that the appeal proposal would not lead to a harmful sense of enclosure for the occupiers of no 71.
10. No. 71 lies south of the appeal property and the rear garden is east facing. The orientation of this neighbouring plot in relation to the appeal site, together with the modest height of the extension, would ensure that the proposal causes no harmful loss of sunlight for these neighbouring residents.
11. Taking all this into consideration, the proposed development would not unacceptably harm the living conditions of the neighbouring occupants of no 71, with particular regard to outlook and sunlight. The proposal would therefore accord with LP Policy 7, which notably seeks to ensure that the amenity and quality of life of existing and future residents is not adversely impacted. Despite a technical breach of the 45-degree rule, the proposal would also overall accord with the general design principles of the SPD.

Conditions

12. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the tests as set out in the Framework and the National Planning Practice Guidance. As well as the standard condition relating to the commencement of development, a condition specifying the relevant plans is considered necessary, as this provides certainty. A condition requiring external materials to match the existing building is needed to protect the character and appearance of the area. A condition restricting permitted development rights related to additional windows is considered necessary in this instance to protect the privacy of neighbouring residents.
13. A condition to restrict the use of the extension's roof area as a balcony, roof garden or similar amenity space is not necessary, as such a use would not be permitted development. Such a development would therefore require planning permission.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

S Edwards

INSPECTOR