



Appeal Decision

Site visit made on 27 June 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/B5480/D/24/3340890

39 Roseberry Gardens, Upminster RM14 1NN

- 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 Ms Juana Howard against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0014.24.
 - The development proposed is described as 'Rear Extension to form 2 beds and a kitchen/dining. Size around 5.9W x 5.9L = 34.81 square meters'.
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Decision

1. The appeal is dismissed.

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 Council's decision notice refers to the submitted drawings being inconsistent and misleading with regards to the depth of the proposed extension. Indeed, one of the drawings provided includes a floor plan showing an extension with a depth of 5.0 metres (m). However, the appellant has stated within their grounds of appeal that the depth of the proposed extension would be 5.9m and the suite of plans provided also includes floor plans and elevation drawings for an extension of this depth. This also corresponds with the description of the proposal on the application form. The appeal has therefore been assessed on the basis that the proposed extension would have a depth of 5.9m.
4. On my site visit, I saw that initial works had already commenced on the extension. I have therefore considered the appeal on the basis that planning permission is sought on a part retrospective basis.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of occupiers of Nos 37 and 41 Roseberry Gardens, with particular regard to outlook and light.

Reasons for the Recommendation

6. The site comprises a mid-terraced, two-storey property with a pitched roof. The host dwelling features a single-storey rear extension which would be replaced

by the proposed extension. The adjacent properties are of a similar design to the appeal property and include windows on the ground floor rear elevations. The rear boundaries to the adjacent properties are formed of a wooden panel fence to No 37 Roseberry Gardens and a combination of a wall and a wooden panel fence to No 41 Roseberry Gardens. No 41 is sited at a lower level than the appeal property. The houses on this part of the street have long and relatively narrow rear gardens.

7. Due to its substantial depth and its height along the shared boundaries, the extension would have an overbearing effect when experienced from the ground floor rear windows and immediate garden areas serving Nos 37 and 41. This is particularly the case given the narrow rear aspect of these dwellings, and in the case of No 41, the lower ground level of that neighbouring property which would further increase the dominance of the extension.
8. As a result of its mass and very close proximity, there is the potential that the extension would also result in a noticeable loss of daylight and sunlight to the nearest neighbouring ground floor rooms and garden areas at Nos 37 and 41. No detailed evidence has been provided by the appellant to demonstrate otherwise. The potential for detrimental effects on levels of light provided for occupiers of these neighbouring dwellings adds to the harm already identified.
9. I have also had regard to the Council's Residential Extensions and Alterations Supplementary Planning Document (2011). While only guidance, the proposal's lack of adherence with the 3m depth guidance for rear extensions on terraced houses would in this particular case result in a harmful effect on the living conditions of the neighbouring occupiers. This further indicates that the proposal would be unacceptable.
10. I conclude, the proposal would have a harmful effect on the living conditions of occupiers of Nos 37 and 41 Roseberry Gardens, with particular regard to outlook and light. In that regard, the proposal would conflict with Policy 7 of the Havering Local Plan (2021) which seeks to ensure that the amenity and quality of life of existing and future residents is not adversely impacted.

Other Matters

11. With regards to the appellant's personal circumstances, an increase in accommodation on health grounds has not been substantiated by any detailed evidence. Furthermore, the identified harm is not justified by the appellant's desire to make living arrangements more comfortable for the two families living with them. Even in the absence of any third-party objections, this does not justify the harm that would result to the living conditions of the existing and any future occupiers of the identified neighbouring properties.

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR