



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: 1 August 2024

Appeal Ref: APP/B5480/D/24/3341584

2 Bretons Cottages, Rainham Road, Rainham RM13 7LL

- 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 Humayun Shafeeq against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1787.23.
 - The development proposed is described as a 'double storey rear extension'.
-

Decision

1. The appeal is allowed, and planning permission is granted for a single storey and double storey rear extension at 2 Bretons Cottages, Rainham Road, Rainham RM13 7LL, in accordance with the terms of the application, Ref P1787.23, 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 accordance with drawing nos DE1-02 (Proposed First Floor), DE1-04 (Proposed Front Elevation), DE1-05 (Proposed Side Elevation (A)), DE1-06 (Proposed Side Elevation (B)), DE1-07 (Block Plan), DE1-08 (Location Plan) and DE2-02 (Proposed Rear Elevation).
 - 3) The external materials of the extension hereby permitted shall match those used on the external elevations of the existing dwelling.
 - 4) 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 window or other opening shall be formed in the first-floor side walls of the extension hereby permitted.

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 reason for refusal on the decision notice refers to 'a significant adverse effect on amenity' for occupiers of Nos 1 and 3 Bretons Cottages. The Officer report clarifies that the concerns include the potential for an increased sense of enclosure, overshadowing and loss of outlook for occupiers of these neighbouring properties. I have had regard to these matters in defining the main issue.

4. The drawings that were before the Council when it made its decision are inconsistent. The proposed first floor plan (drawing no DE1-02) includes the insertion of windows to the existing first-floor rear elevation. However, these windows were not included on the proposed rear elevation (drawing no DE1-03). The main parties were contacted regarding this discrepancy and the appellant has provided a revised proposed rear elevation (drawing no DE2-02), which rectifies this discrepancy.
5. The Council have confirmed that they consulted the neighbouring properties on the plans that were before them during the application process. Therefore, neighbours would have been aware, by reference to the proposed floor plans, that new windows were proposed to the existing rear elevation. I am also conscious that these windows would serve existing internal spaces that are already served by a rear facing window which offers a similar rear facing aspect. I am therefore satisfied that no party would be prejudiced by me accepting the corrected drawing. Furthermore, there is nothing to suggest that these windows could not in any case be inserted under permitted development rights as they relate to an existing rear facing wall.
6. The description on the application form only refers to a 'double storey rear extension'. However, the drawings also show a single storey extension, and this element was clearly assessed within the officer report. On my site visit I saw that a ground floor rear extension has already been constructed with its rear elevation aligned with a pre-existing ground floor rear projection. Whether or not planning permission was sought, or was required, for that extension is a matter for the Council. In any case, it is clearly different to the ground floor rear extension on the proposed plans which is of a lesser depth. I have therefore considered the appeal proposal on the basis of the drawings submitted and consulted upon. I have also amended the description within my decision accordingly to reference the single storey element of the proposal.

Main Issue

7. The main issue is the effect of the proposal on the living conditions of occupiers of Nos 1 and 3 Bretons Cottages, with particular regard to outlook and light.

Reasons for the Recommendation

8. The appeal dwelling is located within a row of two-storey, terraced dwellings on Rainham Road, opposite the junction with Simpson Road. It features a single-storey extension to the rear. The rear elevations of the dwellings within this terrace feature centralised first floor windows which are set in from the side boundaries with neighbouring dwellings and so provide for a spacious aspect. At ground floor level, the boundary treatments and rear projections that already exist provide for more contained, albeit suitable levels of outlook.
9. The Havering Residential Extensions and Alterations Supplementary Planning Document (SPD) (2011) stipulates that first-floor rear extensions should be set in by no less than 2m from the common boundary. From what I have seen, the first-floor element of the proposal would not meet this element of the guidance.
10. Even so, the first-floor extension would be centred within the rear elevation of the host dwelling and set away from the side boundaries with Nos 1 and 3 Bretons Cottages (Nos 1 and 3). As the first-floor windows of the adjacent properties are also centralised within their respective rear elevations, the gap

between the first-floor extension would be sufficient to ensure that a suitably spacious rear aspect would be retained from the first-floor windows of these neighbouring dwellings. The spacing to the shared boundaries would also be sufficient to ensure that the first-floor extension would not be overbearing when experienced at ground level. Having regard to the relationships described, there is also no objective evidence to suggest that the proposal would have a material effect on levels of sunlight or daylight experienced by occupiers of Nos 1 and 3.

11. Therefore, while the proposal does not fully meet the guidance in the SPD, no harm would arise to neighbouring living conditions as a result of the first-floor element of the proposal in this particular instance. Furthermore, the Council has not raised any specific concerns in respect of the ground floor element of the proposal. From my own observations on site, I am also satisfied that due to the modest scale of the ground floor extension it would have an acceptable relationship with the living conditions of neighbouring occupiers both in terms of outlook and light.
12. I conclude, the proposal would have an acceptable effect on the living conditions of occupiers of Nos 1 and 3 Breton Cottages with particular regard to outlook and light. It would therefore comply with Policy 7 (Residential design and amenity) 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 including in respect of outlook and light.

Conditions

13. I have had regard to the Council's suggested conditions. I have imposed the standard time limit condition and an approved plans condition in the interests of certainty and clarity. I have also included the suggested requirement for matching materials in the interests of respecting the character and appearance of the area.
14. I have attached the condition removing permitted development rights for the insertion of windows in the side walls of the extension in order to prevent any direct or perceived overlooking of neighbouring properties. In the interests of clarity, I have altered the wording of this condition so that it specifically relates to the first-floor side walls of the extension and I have also removed any superfluous text.

Conclusion and Recommendation

15. For the reasons given above, I recommend that the appeal should be allowed since it would comply with the development plan.

T Morris APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR