

Appeal Decision

Site visit made on 13 August 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/B5480/D/23/3331886

108 St Andrews Avenue, Havering, Hornchurch RM12 5DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Shimla Begum against the decision of the Council of the London Borough of Havering.
 - The application Ref is Y0185.23.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

4. I consider that the main issue in this appeal is the impact of the proposed development on the amenity of adjoining premises with regard to outlook.

Reasons

5. The appeal property is an end-terrace house located within a predominantly residential area with many of the houses being of a similar style and appearance. The rear garden of the property backs onto a railway line and the proposed development would extend 6m from the property with a height of 2.7m.
6. The Council's Residential Extensions and Alterations Supplementary Planning Document Adopted 2011 (Residential SPD) provides guidance on rear

extensions which suggests that they should extend no more than 3m from the rear wall of the original dwelling. The guidance also suggests that particular consideration should be given to maintaining a reasonable outlook from adjoining properties.

7. The proposed extension would extend a significant proportion of the host properties garden. While the existing boundary fence is noted, the proposal would be taller and a large section of the top, at the full depth would be visible. The overall result of the depth and height would be overbearing and harmful to the outlook of the neighbouring occupiers at No 106 St Andrews Avenue.
8. I note that the property already has a single storey extension to the rear, however, the proposal would extend more than double the length of this and for the reasons given above would significantly alter the neighbouring occupiers outlook.
9. The appellant suggests that the window and door to the rear of No 106 serves the kitchen which they consider is not conventionally a habitable room. Nonetheless I consider that the kitchen and its position to the rear of the property is important, and the occupiers should be given a reasonable outlook which the proposal would not achieve. The proposal would also be highly visible and dominant from the garden which is the only private external space for the occupiers of No 106.
10. The Council consider that the proposed development would result in an increased sense of enclosure, however, many of the neighbouring rear gardens remain open and while the train track is to the rear this space is open and as such, I am not satisfied that the proposal would result in an unacceptable sense of enclosure for these occupiers.
11. Notwithstanding my finding on the sense of enclosure, I conclude that the proposed development would unacceptably harm the amenity of adjoining premises with regard to outlook.

Other Matters

12. The proposal has no windows on the flank elevations and in this regard the Council have found that the proposed development would not unacceptably harm privacy of neighbouring occupier. I also note that the proposal would improve the quality of life of the appellant's family through providing more family space. However, these matters do not outweigh the harm I have identified.

Conclusion

13. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR