



Appeal Decision

Site visit made on 13 August 2024 by I Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/B5480/D/24/3338022

4 Clairvale, Hornchurch RM11 3NA

- 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 S Ram against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1772.23.
 - The development proposed is First floor side/rear extension.
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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.

Procedural Matters

3. A draft revised National Planning Policy Framework (2024) (the Framework) was published between the determination of the application and this appeal. The substance thereof as far as it relates to the following main issues has not however changed. Moreover, as a draft version it could be subject to change. As such, for clarity, my references to the Framework are to the current 2023 version.

Main Issues

4. The main issues are the effect of the proposal upon 1) the character and appearance of the surrounding area; and 2) the living conditions of occupants of 2 Clairvale with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

5. The appeal property is a two-storey detached dwelling with a single storey side and rear extension. It is set back from the road and set within a sizeable plot on Clairvale in the Emerson Park area of Hornchurch. The surrounding area is residential and is characterised by medium to large two-storey detached dwellings in a variety of designs.
6. There are a few dwellings which, according to submitted evidence as well as my observations at my site visit, appear to have been previously constructed

with similar designs, such as Nos 2 to 6, 1 and 3, and 5 and 7 Clairvale. However, some of these have been changed due to extensions. Within the group comprising of Nos 2 to 6, No 2 Clairvale appears as a significantly altered and larger property.

7. Nevertheless, spaciousness which is the predominant feature that contributes to the character of the area is maintained. In order to ensure maintenance of this spaciousness, Havering Local Development Framework Emerson Park Policy Area Supplementary Planning Document (the EPSPD) sets out guidance to be followed. The Area is divided into six sectors with its own character and the appeal site lies in Sector 6. It states that for extensions to existing dwellings and the resultant space between buildings, each case will be treated on its merits and with regard to the extent that architectural character, massing and existing landscaping are retained. In every case, the space that is retained between buildings should reflect the character of the street scene in the immediate surroundings. It suggests that the minimum requirement will be that no part of any new building or extension to an existing building will be permitted to be built within a minimum of 1 metre from an adjoining common party boundary at ground floor or 2 metres at first floor.
8. There is an extant planning permission for the construction of a single storey side extension¹ which I observed on my site visit is already being built. The Council have stated that though this does not adhere to the 1 metre separation guidance within the EPSPD, it was considered acceptable as it replaces an existing detached garage to the side which has the same spacing to the side boundary.
9. The appeal proposal includes a first-floor side extension on top of the approved single storey side extension and would extend to the same width and depth. Thus, it would not adhere to the 2-metre separation distance nor the 3, or at most 4 metre depth which is required by the EPSPD. As a result, the development would appear cramped on the street scene.
10. The appellant suggests that the proposal mirrors other developments in the area and makes specific reference to the gap between Nos 5 and 7 Clairvale and 12 to 12a Herbert Road. Moreover, they also refer to other large extensions at 1 Maynard Road and 2 Clairvale. However, I do not have the full details of these developments and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of the distance between properties. In any event those that I saw were in the minority and served to confirm the contribution that the prevailing pattern of more spacious gaps between buildings above ground floor level makes to the character and appearance of the area. As such, the presence of a small number of buildings with narrow gaps does not justify the erosion of the character of the street scene that would occur from the appeal proposal.
11. The proposal would appear cramped and visually intrusive and would be harmful to the character and appearance of the surrounding area. I find that the proposal would not maintain the spacious character and appearance of Emerson Park. The proposal would not comply with Policies 7 and 26 of the Havering Local Plan 2016 - 2031 Adopted November 2021 (the LP) and the EPSPD. I find these policies to be generally consistent with the aims of the

¹ P1029.23

Framework in particular paragraph 135 which seeks to ensure a good standard of design.

Living conditions at 2 Clairvale

12. The proposal includes a first-floor rear extension which would sit on top of the already approved single storey rear extension. This would extend to a depth of 5 metres from the rear wall of the original building. London Borough of Havering's Residential Extensions and Alterations Supplementary Planning Document Adopted 2011 (the SPD) provides guidance to be followed in order to ensure there is no impact to living conditions of occupiers of neighbouring properties.
13. The SPD states in paragraph 5.3 that houses can be extended from the rear wall of the original dwelling by up to 4 metres in depth for a detached dwelling. Any greater depth required should be within an angle of 45 degrees, taken from the 3 metre or 4 metre dimensions on the property boundary as illustrated in Figures 1 and 2.
14. Given the proximity of the proposed extension to the shared boundary, the 45 degrees angle would not be achieved. It is acknowledged that there is a large two storey rear extension at 2 Clairvale. However, as acknowledged by the appellant, the proposal would extend beyond its depth by 2 metres. With the additional height of the proposed first floor extension, it would be overbearing when viewed from the primary rear garden area at 2 Clairvale.
15. Again, the appellant makes reference to other neighbouring properties with extensions. However, none of these examples make specific reference to a two-storey rear extension. Reference is made to a rear extension at 12a Herbert Road but there is no specific evidence before me to demonstrate that the situations are comparable. In any case I have considered the appeal proposal on its own merits.
16. I find that by virtue of its scale, bulk, depth and proximity to the shared boundary the proposal would be dominant and overbearing when viewed from the rear garden of 2 Clairvale and would have an unacceptable impact upon the living conditions of its occupants with regard to outlook. Consequently, the proposal would conflict with the objectives of Policy 7 of the LP and the SPD. These, amongst other matters, seek to ensure that developments do not result in unacceptable loss of outlook.

Other Matters

17. The appellant has stated that there would be no impact to the living conditions of the occupants of 2 Clairvale because the nearest habitable room window would be beyond the 45-degree angle. This is already acknowledged by the Council and impact which could be experienced from a habitable room such as overshadowing, loss of light or outlook from a window is not a reason for refusal. However, outlook from the garden would be impacted.

Conclusion and Recommendation

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

I Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

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

Mr R Walker

INSPECTOR