



Appeal Decision

Site visit made on 7 November 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/B5480/D/24/3348729

114 Hubert Road, Rainham, Essex, RM13 8AH

- 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 Olumide Popoola against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0330.24.
 - The development proposed is extension of existing loft conversion. Rear extension and internal alteration.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on (1) the appearance of the surrounding area; and (2) the living conditions of neighbouring residents, with particular reference to privacy and outlook.

Reasons

Effect on Surrounding Area

4. The appeal property is a detached single-storey property with one side-facing dormer window which occupies much of the length of its roof. The street scene is mixed, with a variety of dwellings in terms of size, scale and form. The appeal property sits between a two-storey house and a bungalow, albeit the latter has been granted planning permission to be extended¹. Although there are other dormer windows visible in the vicinity, these appear to be primarily front- and rear-facing, and the position of the existing dormer at the appeal property is not typical in the streetscene.

¹ The Council's delegated report refers to "consent for the conversion of the existing garage to habitable space, single storey side and rear extension and loft conversion to include the conversion of roof from hip to gable end as part of P0159.24 which was approved on 5th April 2024".

5. The extension of the existing roof and dormer window, and the addition of a second, would materially increase the first-floor bulk of the appeal property, and the excessive depth and scale would appear incongruous in the street scene. Although the existing dormer may give the property an asymmetrical appearance, rather than introducing balance, the proposal would create a far more dominant and visually intrusive building. The scale and siting of the dormer windows would be at odds with the advice set out in the Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2011 (SPD), that they be contained well within the body of the roof by being set well back from the eaves and in from any gables or party walls. Although set down from the ridge and above the eaves, their depth and limited insets from the front and rear gables would result in disproportionate roof additions.
6. The scale of the proposal would be apparent in the street scene, as the depth of the existing building is currently visible in views in the gaps between buildings. However, I do not share the appellant's view that the existing roof profile of the dwelling diminishes the quality and value of the local townscape, nor that the lowered height of the dormers and use of matching materials would be sufficient to mitigate the increased bulk overall. Although the front gable would be preserved, its original form and appearance would be undermined by the scale of the dormer windows and their lack of setback.
7. I acknowledge that section 8 of the SPD highlights the importance of symmetry, but paragraph 8.1 and Figure 14 appear to relate to hip-to-gable roof alterations on one half of a semi-detached pair, rather than dormer windows on a detached property.
8. I therefore conclude that the proposal would detract from the appearance of the surrounding area, contrary to the overarching design aims of Policy D4 of The London Plan 2021 (TLP) and Policy 7 of Havering Local Plan 2016 – 2031 (2021) [LP]; with LP Policy 26, which amongst other criteria seeks to promote high quality design that respects, reinforces and complements the local streetscene, and respects the established scale and massing of the surrounding physical context; and with the SPD.

Living Conditions

9. Given the relationship with the two-storey house to the south of the appeal site, which has a wall to its balcony, the proposal would not materially affect the living conditions of occupants of that property. However, No.118 is a modest single-storey property. Although planning permission has been granted to extend it, no details have been supplied of the development, and at the time of the appeal site visit the permission did not appear to have been implemented.
10. LP Policy 7 supports developments which do not result in unacceptable overlooking, loss of privacy or outlook, or daylight and sunlight. This is reinforced by the SPD, which notes that dormer windows in a hipped roof end will not normally be acceptable due to overlooking and design considerations. I accept that the word 'normally' can imply a degree of flexibility, but I consider the guidance to be relevant in this case: the relative siting of No.118 and the proposed north-east facing dormer window means this element would have the potential to cause direct overlooking and a material loss of privacy for occupants of that neighbouring dwelling and its private garden area.

11. Furthermore, due to the position of the proposed side-facing windows I am not persuaded that views would be oblique or restricted by the built form and proximity of No.118. I appreciate that the room with the greatest potential to overlook No.118 would be a bedroom, but this would not prevent regular and prolonged overlooking, as suggested by the appellant.
12. There is an existing building and enclosure to the rear of the appeal dwelling which projects deeply alongside the shared boundary with No.118. It is not clear if this is the building 'overlapped' by the proposed rear extension on the 'proposed' block plan. As such, it is not known if this structure as built would be removed as part of this proposal. Nevertheless, based on the information supplied on the submitted plans, the proposal would appear to be within a 45-degree angle taken from a 4 metre dimension on the property boundary, as described in the Council's SPD, with the aim of ensuring that a reasonable level of amenity is afforded to neighbouring properties.
13. However, whilst I have had regard to the orientation, the element of No.118 closest to the shared boundary is currently a garage, with the rear-facing habitable rooms set away from the boundary. Given this distance, and in view of the existing development alongside the shared boundary, I do not consider that the proposal would materially diminish the outlook for occupants of No.118 (in its unaltered form), nor result in an undue sense of enclosure.
14. I conclude that the proposal would result in the potential for loss of privacy and overlooking to a degree that living conditions of current and future residents of No.118 would be harmed, in conflict with LP Policy 7 and the SPD.

Conclusion

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

H Lock

INSPECTOR