



Appeal Decision

Site visit made on 5 November 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/B5480/D/24/3336986

4 Conway Close, Rainham, Havering RM13 7DS

- 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 Mohammed Shafi Ahmed (FullFibre) against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1616.23.
 - The development proposed is a single storey rear extension (6m x 5.5m).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension (6m x 5.5m) at 4 Conway Close, Rainham, Havering RM13 7DS in accordance with the terms of the application, Ref P1616.23, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers at 2 Conway Close with regard to outlook.

Reasons

3. The appeal property is a mid-terrace two storey property which has a long rear garden. The proposed extension comprises of a full width single storey extension which would project 6m from the rear of the dwelling.
4. Although the neighbouring property at 6 Conway Close has a similar depth rear extension to the proposed development, the other adjoining neighbouring property, No. 2, has a rear extension but which is set away from the shared boundary with the appeal property.
5. The proposed extension would exceed a depth of 3 metres for a terrace house, as set out in the Residential Extensions and Alterations Supplementary Planning Document (Adopted 2011) (SPD). However, the relationship of the proposed extension with No. 2 would be little different to the existing rear extension at No. 6 in relation to the appeal dwelling which from my site observations, does not have an overbearing impact. Although the proposal would at 3.3m be taller than the neighbouring extension at No. 6 and the 3m height set out in the SPD, this relatively small increased height would not be significant enough to give rise to materially harmful impact on the neighbouring property's habitable room.

6. The extension proposed would have a close relationship with No. 2's garden patio area. However, given the extensive length and overall size of this neighbouring garden area, I do not consider that the proposed extension would appear unduly intrusive and adversely impact on the living conditions by way of having an overbearing impact.
7. I therefore conclude, for the reasons set out above, that the proposed development would not cause unacceptable harm to the living conditions of neighbouring occupiers at 2 Conway Close with regard to outlook. As such, it would comply with Policy 7 of the Havering Local Plan 2016-2031, which seeks, amongst other matters, to protect the amenity of existing and future residents including in terms of outlook. Although the proposal would not comply with certain specific guidance within the SPD, it would not conflict with its aims, which amongst other matters, include maintaining a reasonable outlook from adjoining properties.

Conditions

8. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of these as appropriate.
9. A condition requiring matching materials is necessary in the interests of the character and appearance of the host building and the area. Conditions restricting windows or other openings on the side elevations of the extension and preventing the use of the roof area as an amenity area is necessary in the interests of the living conditions of neighbouring residents.

Conclusion

10. I conclude that the proposal would accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Dwg No. 107), Proposed Site Plan (Dwg No. 1016), Proposed Plans (Dwg No. 103) and Proposed Elevations (Dwg No. 104),
- 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening shall be formed in the flank walls of the development hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
- 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

End of Conditions