



Appeal Decision

Site visit made on 7 January 2025

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/B5480/D/24/3354398

61 Hubert Road, Rainham, RM13 8AD

- 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. Asadul Hoque against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0802.24.
 - The development proposed is loft conversion with rear dormer, two front roof lights, hip to gable roof alterations, and increase in roof height.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged a revised National Planning Policy Framework has been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments on this matter from the parties would not be prejudicial to their cases.
3. The Council's reason for refusal does not identify conflict with any development plan policy, although its officer report listed Policies D1 and D4 of The London Plan 2021 (TLP) and Policies 7 and 26 of the Havering Local Plan 2016 – 2031 (2021) (LP) as relevant to the proposal. Copies of these policies were supplied by the Council with its questionnaire. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise, and I have therefore taken these policies into account in determining the appeal. The appellant was invited to comment on the policies prior to the determination of the appeal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of occupants of neighbouring properties, with particular reference to outlook and access to daylight.

Reasons

5. The appeal property is a detached dwelling located between and end-terrace house and a bungalow, in a residential street which is mixed in terms of the form, scale and design of dwellings. The variety in the street scene is also seen in the roof forms, and the appeal property has a front gable with the remainder of the roof being hipped. Its ridge height is below that of the adjacent terraced houses, but the

- building is significantly taller than the single-storey property to the south-west, 59 Hubert Road (No.59).
6. There is a reasonably narrow gap between the appeal property and No.59, with pedestrian paths either side of the shared boundary. No.59 has its entrance door, kitchen and several other side windows facing towards this boundary, albeit they are obscure glazed.
 7. As suggested by the Council on its questionnaire, I visited No.59 at the site visit, and was able to see the outlook and daylight provided by its kitchen window and door. The outlook from these windows is already restricted by the obscure glazing and the height and proximity of the appeal property. However, the introduction of a taller side gable and the side wall of the rear dormer window would further diminish this outlook. In the absence of any technical evidence to the contrary, I consider that it would also have the potential to reduce light levels reaching the kitchen. The proposal would result in an increased sense of enclosure, and would be unacceptably oppressive to the outlook from that property. This impact would not be mitigated by the replacement of the existing front gable with a roof hip due to increased height of the appeal building.
 8. I acknowledge that there is a range of roof heights in the vicinity, and that the proposal aims to match the ridge height of the adjacent terrace. However, whilst this may be compatible with the terraced houses, it does not take into account the significant difference in eaves and ridge heights between the appeal property and No.59. I do not consider that the reasonably large footprint of No.59 would reduce the impact of the proposal, as suggested by the appellant; the effect would be on the specific side-facing openings rather than the dwelling as a whole. However, I agree with the appellant's assessment that the proposal would not adversely impact upon the primary door and windows of No.59, on the front elevation.
 9. The appellant has drawn attention to the relationship between Nos. 77 and 79 Hubert Road. No details of any planning permissions for No.79 have been supplied, but in any event, the context does not appear to be comparable, with the two properties separated by a driveway, and fewer windows in the flank of No.77. As such, this does not justify acceptance of the appeal proposal.
 10. I share the view of the Council and the appellant that the proposal would not unduly impact upon occupants of No.63, nor cause any loss of privacy to any party.
 11. I conclude that the proposal would diminish the outlook for occupants of 59 Hubert Road to an extent that living conditions would be harmed. This would be contrary to LP Policy 7, as supported by guidance in the 'Residential Extensions and Alterations' Supplementary Planning Document (2011), which amongst other criteria seeks to protect the amenity of existing and future residents by avoiding developments that result in unacceptable loss of outlook and daylight. As a result, it would not be a high quality design sought by TLP Policy D4 and LP Policy 26. On this point, I find no conflict with TLP Policy D1, which relates to capacity for growth, but that does not alter my conclusion.
 12. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR