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## Appeal Decision

Site visit made on 25 November 2024 by R Pankhurst

### Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> February 2025

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### Appeal Ref: APP/B5480/D/24/3351622

### 39 Parkland Avenue, Havering, Upminster, RM14 2EX

- 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 Daniel Pugh against the decision of the Council of the London Borough of Havering.
  - The application Ref is P0622.24.
  - The development proposed is first floor side extension, single storey rear and first floor rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for first floor side extension, single storey rear and first floor rear extension at 39 Parkland Avenue, Havering, Upminster, RM14 2EX in accordance with the terms of the application, Ref P0622.24, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the approved plans:24/04/PL1 B and 24/04/LP1 A.
  - 3) The external materials of the rear and side extensions hereby permitted shall match those used in the existing dwelling.
  - 4) The areas marked on plan 24/04/PL1 B as 'flat roof' shall not be used as a balcony, roof garden or similar amenity area at any time.

### 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.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons for the Recommendation

4. Parkland Avenue is characterised by pairs of semi-detached and detached properties set back from the street in a spacious suburban setting. There are gaps of varying size between properties on the side of the street where the appeal property sits, through which views of open land can be seen, contributing

to the verdant quality of the area. On the other side of the street, gaps between properties are generally wider.

5. The semi-detached properties in the area are distinctive for having two-storey bay windows and hipped roofs, which are prominent features in the street scene. There is however some variation in the design of pairs of semi-detached properties and some have been altered and extended, including to the side, contributing to some asymmetry within pairs.
6. The existing garage on the appeal site is flush with the garage of its non-attached neighbour 37 Parkland Avenue, and there is an existing gap the width of two garages between the properties at first-floor level. The proposed two-storey side extension would reduce this gap to a single garage width. However, although reduced in size, the remaining gap would still be consistent with most other gaps on this side of the street, and views towards the trees behind would still be available. Therefore, although the remaining space at the first-floor level would be smaller than at present, the proposal would not appear cramped within its surroundings. To this extent, I find the proposal would respect and complement the local street scene.
7. The Council has suggested the possibility of No 37 also extending to the boundary with the appeal property at first-floor level, further closing the gap and causing a terracing effect. However, No 37 is of a very different style and form to the appeal property and set further back from its projecting garage. Therefore, it is unlikely a proposed side extension similar to the appeal scheme would come forward. In any event, any proposed development to No 37 would have to be decided on its own merits, taking into account surrounding development. Accordingly, I give this issue limited weight.
8. The Council's Residential Extensions and Alterations Supplementary Planning Document (adopted 2011) (SPD) refers to how the symmetry of semi-detached houses is an important consideration for side extensions. The proposed side extension would be set back from the original property and the roof would be set down in comparison to the host roof. As a result, the side extension would appear visually subservient to the host property and the original form and key features of the dwelling, in particular the bay windows, would remain clearly apparent. Therefore, the proposal would not harmfully unbalance the pair of semi-detached properties and the appeal property would remain in keeping with the local area.
9. I have been referred to two appeals concerning the attached neighbour No 41. The Inspectors in these appeals found the combination of the reduction in the characteristic gap and the loss of symmetry with the attached neighbour to be harmful to the character and appearance of the area. However, No 43 has a two-storey side extension so the gap between No 41 and its non-attached neighbour is already smaller at first-floor level than between Nos 39 and 37. Those appeal schemes would have reduced the gap between Nos 41 and 43 to less than a metre at first floor level. This would have been significantly smaller than the gap proposed under the current appeal scheme and would have no longer provided views of the open land behind. Those schemes are not therefore directly comparable to the appeal before me, which would not result in an equivalent degree of harm. Therefore, these other decisions do not justify refusing this appeal proposal.
10. The proposed rear extensions would not be easily visible from the public realm and therefore would not harm the character and appearance of the area.

11. For these reasons, overall, the proposal would not harm the character and appearance of the area. It would therefore comply with Policies 7 and 26 of the Havering Local Plan 2016-2031 (adopted 2021) and Policy D4 of the London Plan 2021 insofar as they require high quality design.
12. Furthermore, the proposed development would not conflict with the SPD guidance on two-storey side extensions.

### **Other Matters**

13. I note the concerns raised regarding the proposed rear extensions. The proposed ground floor extension would project further than the proposed two-storey element but would only be single storey in height. The existing wooden fencing and vegetation along the boundary restricts the current outlook from No 37 in the direction of the appeal property. Although some of this might be removed to construct the proposal, the single storey element proposed would not be significantly taller than the existing planting. No 37 is also set back further into its plot than No 39. Consequently, while the proposed ground floor rear extension would be visible from No 37 and its garden, it would not have a significant adverse effect on the outlook from No 37 compared to the existing situation, and as such would not harm the living conditions of the occupiers in this respect.
14. Neighbouring properties have extended into their roofs and have rear dormer windows in addition to numerous first floor windows. There are therefore views from each property into neighbouring gardens, including the rear of those gardens, which is common in a residential situation. The proposal would result in a first-floor bedroom window projecting further to the rear than at present, however there are others in similar positions or even further to the rear, as well as vegetation along garden boundaries. Consequently, the proposal would not significantly increase overlooking of neighbouring gardens compared to the existing situation.
15. The flat roof areas proposed would potentially be accessible from the first floor and could allow for sitting out. This would result in harmful overlooking of immediate neighbours, to the detriment of their living conditions. This can however be prevented by a planning condition. Subject to such a condition, the proposal would not harm the living conditions of the occupiers of neighbouring properties in respect of privacy.
16. The Party Wall Act is covered by separate legislation and therefore is not a matter within my remit in considering this appeal. It is also for the appellant to obtain any other consents they may require in addition to planning permission, including for access. While I appreciate that previous occupants may not have complied with earlier consents, it would be open to the Council to enforce if the appeal scheme was not built in accordance with the approved plans. I saw at my site visit the vegetation on the appeal site and have taken this into account in my recommendation.
17. Interested parties have expressed concerns about the change in outlook for properties on the opposite side of the road, which currently enjoy views past dwellings to the open land behind the appeal site. However, views between properties would not be closed off, and the immediate outlook across the road towards residential dwellings would remain. Furthermore, loss of a private view is not a planning matter.

18. Concern has been raised that allowing this appeal would create a precedent for side extensions in the local area. However, each proposed development would be considered on its own merits, taking into account its specific context, therefore allowing this appeal would not prejudice the consideration of future applications elsewhere.
19. Therefore, while I appreciate the concerns raised, these matters carry very limited weight and do not justify refusing planning permission.

### **Conditions**

20. I have reworded the Council's suggested conditions where appropriate for clarity, to avoid duplication and to ensure that they meet the tests in the National Planning Policy Framework.
21. In addition to the condition referred to above, I recommend conditions in relation to commencement and requiring the development to accord with the approved plans in the interests of expediency and certainty. Use of matching materials is necessary to safeguard the character and appearance of the area.
22. Any new windows in a first-floor side elevation would have to be obscure glazed with restricted opening to be permitted development, safeguarding the privacy of neighbours. Therefore, a condition removing these permitted development rights is not necessary.

### **Conclusion and Recommendation**

23. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

*R Pankhurst*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

24. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions listed.

*L McKay*

INSPECTOR