



Appeal Decision

Site visit made on 8 April 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/B5480/D/24/3353936

15 Crossways, Havering, Romford RM2 6AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Amritpal Sahota against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1060.23.
 - The application sought planning permission for roof space to habitable use to include rear dormer windows and a conservation roof light to the side elevation of main roof without complying with a condition attached to planning permission Ref P1621.22, dated 17 May 2023.
 - The condition in dispute is No 1 which states that: *"Within one month of the date of this decision the roof-light installed to the side roof-slope shall be fitted with obscure glazing (not less than obscurity level 4), and no part of that window shall be capable of being opened. The window as permitted shall be retained thereafter."*
 - The reason given for the condition is: *"In the interests of privacy"*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted on appeal in 2023 for a loft conversion which included a roof-light for the en-suite, located on the side elevation of the main roof. To allow a means of natural ventilation the appellant wishes to vary condition 1, by seeking to remove the requirement that the window is permanently closed.
3. The main issue is the effect of varying the condition on the living conditions of the neighbouring occupiers at 17 Crossways (No 17) with regard to privacy.

Reasons

4. The appeal property is a two-storey property with a loft conversion. It features a roof-light in the side elevation of the roof, orientated towards No 17. No 17 has a substantially lower roof height than the appeal property and has a side dormer window and rooflight orientated towards the appeal property.
5. The roof-light at the appeal property is at a relatively low height when stood inside the en-suite and has obscure film over the glazing. This film prevents any overlooking from the roof-light when closed. However, although the roof-light is technically orientated upwards due to its location on the roof slope, given the relatively low height of the roof-light, I observed that when open, because of the height difference between No 15 and No 17, it allowed for direct overlooking into the forementioned windows at No 17 without any need to lean out of the window.

This was the case even when the roof-light was not fully open. I therefore find that it has an adverse impact on the privacy of the occupiers of No 17.

6. The dormer window of No 17 serves a bathroom, this is not a habitable room and as such could be obscure glazed without materially harming the living conditions of those occupants. However, the dormer window is for a habitable room, a bedroom, and as such it would not be appropriate for this window to be obscurely glazed as it would not provide an appropriate level of outlook for the occupiers of No 17.
7. I have had regard to the content of the email correspondence between the appellant and the Council that has taken place over a prolonged period and the willingness of the appellant to come up with a solution. The appellant has indicated that they would be willing to install lockable restrictors on the roof-light. This would limit the opening to approximately 7cm, but would allow them to be opened for maintenance of the window. However, I have limited information before me regarding the restrictors proposed and as such cannot be certain that these would adequately mitigate against the harm to the living conditions of the neighbouring occupiers at No 17. Moreover, I consider that having restrictors that can be unlocked would be difficult to enforce against, and the restrictors could potentially remain unlocked, allowing direct overlooking when the roof-light is open. As such, a condition requiring such a restrictor would not meet all six tests for conditions set out in the Planning Practice Guidance.
8. In conclusion, varying the condition would result in a harmful impact on the living conditions of the occupiers of No 17 with regard to privacy and would conflict with Policy 7 of the Havering Local Plan (2021) (LP). This seeks, amongst other matters, to protect the amenity of existing residents by ensuring that development does not result in unacceptable overlooking or loss of privacy.
9. Policy 26 of the LP has been cited on the decision notice. This relates to urban design and I have therefore not found it determinative on this main issue.

Other Matters

10. I note that the appellant is concerned about poor ventilation in the en-suite and the build-up of condensation and mould along with the associated health impacts that this may have on the family. However, it is not unusual for an en-suite to have no external window, and there is no substantive evidence before me that alternative methods of mechanical ventilation have been explored, such as a more powerful extraction fan system. These concerns therefore do not alter my conclusions on the main issue.
11. I note the comments from the planning officer who came out to the appeal site and subsequent discussions that were then had with other members of the planning department. However, the officer report and decision notice clearly articulate the Council's concerns, and this aligns with my findings on site. Despite the slow response times from the Council to the appellant's emails, the Council has provided opportunities for the appellant to submit further information. I find they have not been unreasonable in their approach.
12. In support of the appeal, the appellant has directed my attention to several other examples of rooflights at properties in the area that they assert do not have restrictions on their opening and are not obscure glazed. From the limited information before me, the examples at Meadway, 43 Crossways, 130 Baglores

Lane, 22 Parkway and 30 Risebridge Road do not appear to have the same relationship with the neighbouring property as the appeal proposal does. The examples at 30 Brook Road, 126 and 128 Baglores Lane are all front facing rooflights and do not appear to directly overlook neighbouring habitable rooms. Consequently, I find that the examples provided are not directly comparable to the appeal case and do not justify the proposal before me which I found would cause material harm to the occupiers of the neighbouring property with regards to overlooking.

13. Whilst the appellant is agreeable to obscure glass, I do not see it necessary to impose the additional condition as suggested by the Council, as the existing condition already requires the fitting of obscure glazing and therefore can already be enforced against. As such, the suggested condition put forward by the Council is not necessary.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I conclude that the disputed condition is necessary to ensure no adverse impacts on the living conditions of the neighbouring occupiers at No 17 with regard to privacy. Therefore, for the reasons above, the appeal is dismissed.

T Bennett

INSPECTOR