



Appeal Decision

Site visit made on 8 April 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/B5480/D/24/3350800

68 Coniston Way, Hornchurch RM12 5EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Leton Miah against the decision of the Council of the London Borough of Havering.
 - The application Ref is Y0164.24.
 - The development proposed is a single storey rear extension with an overall depth of 6m, a maximum height of 3.31m, and an eaves height of 3m. (Prior Approval).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply, or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 states that where any owner or occupier of any adjoining premises objects to the proposal, the prior approval of the local planning authority is required as to the impact on the amenity of any adjoining premises. An objection to the proposal was received from the owner or occupier of an adjoining home. Prior approval was refused at 68 Coniston Way due to the effect of the proposed development on the living conditions of the adjoining property at 66 Coniston Way with particular regard to outlook, and sunlight.
5. The principle of the development is established by the Order, and the provisions therein do not require regard be had to the development plan. I have had regard to these only insofar as they are material to the decision.

Main Issues

6. The main issue whether or not prior approval should be granted having regard to the effect of the proposed development on the living conditions of the occupiers of No 66, with particular regard to outlook and sunlight.

Reasons

7. The appeal property is a two-storey semi-detached dwelling. It is situated in a predominantly residential area where many of the properties have been extended or altered. This includes through rear extensions such as at the adjoining property at No 66, where like at No 68 there is a single storey rear element on the boundary with the adjacent and not attached neighbouring homes. Thus a relatively narrower space is provided immediately at the rear of both No 66 and No 68 between their own extension and their joint boundary fence.
8. The proposal seeks to demolish the existing rear element at No 68. It would create an access gap between it and 70 Coniston Road. However, it would extend the full width across the rear of the dwelling at No 68 right onto the joint boundary line with No 66. The plans show a flat roof height of around 3m, which would be positioned along the boundary with No 66.
9. The Council has referred to its Residential Extensions and Alterations Supplementary Planning Document, adopted 2011 (the SPD). It provides flexibility and instances where an extension over 4m may be acceptable. There is no dispute this guidance would not be met. I consider the guidance to be reasonable given the objective of protecting neighbouring occupiers living conditions from the mass of long extensions, such as the proposal, when sited on or very close to the common boundary.
10. However, I have also considered the existing site specific factors. The existing boundary fence varies in height, it is lower immediately at the rear of both properties, increasing in height along the length of the gardens. I have not been provided with fence heights, but from my observations, the height of the proposal would exceed even the highest part of the fence. Whilst the fence is of good height to preserve privacy, the lower part was not so high to obscure the height of the top of the ground floor windows located on the rear of No 66. As such the proposal would introduce additional height above the fence which would be clearly evident from the garden and habitable window on the rear of No 66.
11. Due to the height and depth the proposal would introduce a significant expanse of built development on the boundary. The resultant large mass that would be evident and materially change the outlook. However, in combination with the existing extension at No 66, the presence of additional taller development on the boundary would contribute towards a harmful tunnelling effect to the rear habitable window and garden of No 66. This would be to a significant degree and create a sense of oppressive enclosure. Notwithstanding the views out towards the relatively long garden, the outlook and experience within the home and garden close to the rear of the home, which is often the most used area would materially change, making the garden area and habitable room less enjoyable to occupy as a result.
12. The window at No 66 is roughly west-facing, with the proposed extension positioned to the south of its boundary. There is nothing within the submitted evidence to suggest that it does not receive reasonable levels of daylight.

However, the proximity and scale of the proposal, would potentially result in lower levels of sunlight at midday. Although, sunlight levels received into the kitchen and garden immediate at the rear of the dwelling may be hampered by the fence to a degree, the proposal would be likely to materially exacerbate this effect making the home and garden feel darker. There is no detailed evidence before me to demonstrate the proposal would not impede existing levels of sunlight.

13. I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of No 66, with particular regard to outlook and sunlight. Insofar as they are material to the decision it would be contrary to Policy 7 of the Havering Local Plan 2016 – 2031, adopted November 2021. This seeks to ensure that development does not adversely affect the amenity and quality of life of existing residents. The proposal would also not align with the Framework, insofar as it seeks to ensure developments create places with a high standard of amenity for existing and future users at paragraph 135. Nor would the proposal fall within the parameters of the SPD which aims to ensure a reasonable level of amenity is afforded to neighbouring properties.

Other Matters

14. The Council have not referred to any harmful impact that would be caused to the amenity of any other surrounding residential properties. Due to the siting of the proposed extension, surrounding built development and distance to other neighbouring properties, I have no reason to form a different view.
15. I have been provided with several appeal decisions¹ which have allowed similar sized extensions in a different Borough. I have carefully considered these. However, the submitted information does not demonstrate that these examples have the exact same site characteristics or built features such as rear extensions, plot width, existing fence heights and the same number of windows and their positions as No 66. As such, they do not alter my view, and in any event, I must consider the effect of the proposal on the specific site context, which includes its combined effect with the neighbouring extension at No 66 and, on this basis, I have identified significant harm.
16. The proposal would increase the quality of living accommodation at the appeal property. Nevertheless, this is a private benefit, to a single household and does not justify the harm identified to the living conditions of neighbouring occupiers. It has also not been demonstrated that a similar level of accommodation could not be achieved with an alternative design.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR

¹ APP/W5780/D/15/3136737, APP/W5780/D/21/3269988 and APP/W5780/D/23/3328447.