



Appeal Decision

Site visit made on 7 November 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/B5480/D/24/3349258

10 Eversleigh Gardens, Upminster, RM14 1DR

- 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 Muhammad Jamil against the decision of the Council of the London Borough of Havering.
 - The application Ref is PO777.24.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 10 Eversleigh Gardens, Upminster, RM14 1DR in accordance with the terms of the application, Ref. PO777.24, and the plans submitted with it, subject to the following 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: 1:1250 scale site location plan; 51-1000-989 S10 P2; 51-1000-989 S02 P2; and 51-1000-989 S05 P2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening shall be formed in the flank walls of the extension hereby permitted.
 - 5) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Application for Costs & Procedural Matters

2. An application for costs was made by the appellant against the Council and this is the subject of a separate Decision.
3. The description of development varies on the planning application form, the Council's decision notice and the appeal form. As the parties have not provided written confirmation that a revised description of development has been

agreed, I have used the one given on the planning application form in the banner heading above and in the formal decision.

4. Notwithstanding the drawing nos. listed on the decision notice, the Council has confirmed that those listed in condition 2 above are the correct references.
5. Although the appellant's appeal form and statement both refer to a 3 metre deep rear extension, drawing no. 51-1000-989 S05 P2 gives a dimensioned figure of 3750mm.
6. A rear extension is under construction at the appeal site but its design does not fully reflect the development shown on the appeal plans. For example, as built it includes a roof lantern and roof overhang, and there appear to be some changes to fenestration and materials¹. For the avoidance of doubt, I have determined this appeal on the basis of the extension 'proposed' on the submitted plans rather than as built.

Main Issue

7. The main issue is the effect of the proposal on the living conditions of current and future occupants of 8 Eversleigh Gardens, with particular reference to overshadowing, and the potential for light loss and outlook.

Reasons

8. The appeal property is a semi-detached dwelling, but both it and the unattached neighbouring property, 8 Eversleigh Gardens (No.8), are built up to or close to the shared boundary. The siting of the dwellings is staggered, with No.8 being sited forward of the appeal property. As such, the rear of No.10 sits beyond that of No.8.
9. In this context, a two-storey flat roofed element at No.10 is built at the boundary and projects rearward of a two-storey section of No.8. Permission was granted for a single-storey rear extension to the appeal property under ref. P0314.24 in May 2024, and this included a chamfered corner, to reduce the depth at the boundary. Measured from the garden of No.8, the extension proposed in this appeal would project approximately 5.5m from the rear wall of that property, as noted in the 'letter of consent' from the neighbouring resident of No.8 which accompanied the application.
10. Policy 7 of the Havering Local Plan 2016 – 2031, adopted 2021 (LP) seeks to ensure that development does not adversely impact upon the amenity and quality of life of existing and future residents, and supports proposals that do not result in unacceptable loss of outlook, daylight and sunlight. Guidance on how this would be achieved is set out in the Havering 'Residential Extensions and Alterations' Supplementary Planning Document 2011 (SPD). In particular, paragraph 5.2 of that document notes that the acceptable depth of any proposed rear extension will depend on a number of site-specific considerations, including the proximity to neighbouring dwellings, the variation in building line, orientation, level changes and the size and usability of the garden.

¹ Albeit drawing no. 51-1000-989 S10 P2 indicates that the southern flank wall would be brickwork to match the existing, the planning application form states that proposed materials "will be externally rendered existing and new external walls".

11. Paragraph 5.3 notes that, as a general rule, houses can be extended from the rear wall of the original dwelling by **up to** 4 metres in depth for a semi-detached or detached dwelling. It advises that any greater depth required should be within an angle of 45 degrees, taken from the 4 metre dimension on the property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties.
12. Although the depth of the extension would accord with the Council's guidance in relation to the dwelling itself, the relative siting between dwellings is material to its effect on the neighbouring property; as noted above, the dimension of **up to** 4m is a 'general rule' affected by site-specific factors. In this case, the two-storey element of No.10 already projects rearward of neighbouring No.8, with the consequent effect that a 45-degree angle measured at the property boundary would be breached by the appeal extension. As No.8 is located to the south of the appeal proposal, it would not interfere with access to daylight and sunlight for that property, nor cause any overshadowing. It would, however, have some additional impact on the outlook from habitable rooms and the garden area of No.8.
13. Given the context of the approved single-storey extension, I do not consider that the additional depth arising from this proposal would materially reduce the outlook from No.8 to a degree that the living conditions of occupants of that property would be harmed. The chamfered wall of the approved extension and its overall depth would be visible to occupants of the neighbouring property, and its position angled away from the shared boundary would offer little improvement to the outlook for residents. The additional section of wall at the boundary would not be materially more intrusive, overbearing or unneighbourly compared to the approved development. No.8 benefits from a large garden and its use would be unaffected by the proposal.
14. I therefore conclude that the proposal would not diminish the outlook for current and future residents of No.8 to a degree that their living conditions would be harmed; and as a result of the orientation, no overshadowing or light loss would arise. The proposal would therefore accord with LP Policy 7. Whilst not in accordance with the guidance in the SPD, the site-specific circumstances mean that the aims which underpin it would be satisfied.

Conditions

15. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area. As there is an existing side window in the main house at the boundary, a restriction on further openings would be reasonable in the interests of maintaining privacy. Use of the flat roof for amenity space would have the potential to materially impact on neighbouring privacy, and a restriction on its use is reasonable and necessary. As such, with some modification to wording for precision, I have attached the Council's suggested conditions.

Conclusion

16. For the reasons given above the appeal should be allowed.

H Lock INSPECTOR