

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

APPEAL DECISIONS - PLANNING					
Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0840.11</b>                      Land adjoining 194-196                      Hall Lane Upminster  <i>New detached dwelling</i></p>	Written Reps	Refuse	Delegated		<p style="text-align: center;"><b>Dismissed</b></p> <p>APPEAL AGAINST NON DETERMINATION</p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are if the proposal is inappropriate development in the Green Belt, the effect on the openness of the Green Belt and the impact on the character and appearance of the area. Finally whether there are any special circumstances that would justify the development.</p> <p>The proposal is for the construction of new dwellings on the appeal site. In terms of national Green Belt policy in PPG2, the construction of new dwellings is considered as inappropriate unless it is for certain purposes and the proposal did not fall within the categories. Furthermore, the appeal site did not fall within an area where the infilling within existing settlements might be considered as acceptable. On openness, the proposal would comprise of a, two storey high, five bedrooms, detached dwelling with attached garage that would create a new element of development where there is none at present. It would have a substantial physical presence in Hall Lane and to the rear of the site and its effect would be to infill an area of open land and extend and consolidate development along Hall Lane and consequently this would harm the openness of the Green Belt and fail to improve the character and appearance of the area.</p>

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					<p>The Inspector considered that the appellant's reference to recycling a derelict, overgrown and unused piece of land. It was claimed that the dwelling would form a natural infill between development to the north and south making more efficient use of the site. It was also claimed that the site was in a sustainable location in close proximity to public transport facilities. The Inspector found that the appearance of the land did not negate its importance in its contribution to the openness of the Green Belt. The Green Belt boundaries were already defined and the fact that there was a gap did not merit or justify infilling it. The Inspector concluded that the appellant's arguments therefore did not constitute Very Special Circumstances which would justify the proposal nor outweigh the presumption of the proposal being inappropriate development or the harm to the openness of the Green Belt.</p>
<p><b>P0958.11</b>                      site adj 76 Navarre Gardens Collier Row Romford  <i>Demolition of existing garage/ utility room and erection of 1No. two storey dwelling</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed dwelling would, by reason of its limited plot width, proximity close to the boundaries of the site and relationship with No. 72 Navarre Gardens, result in a cramped form of development, materially out of scale and character with the local street scene contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed development would, by reason of a lack of on site car parking provision, result in unacceptable overspill onto the adjoining roads to the</p>	<p><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted.</p> <p>The Inspector identified two main issues in this appeal. Firstly, the effect of the proposal on the character and appearance of the area; and secondly the effect of the proposal on highway safety.</p> <p>The donor property is a two-storey end-terrace house set mid-way along a street of similar properties. In character terms the appeal site marks the point at which</p>

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				<p>detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies Development Plan Document.</p>	<p>terraced housing stops ceases and the street scene becomes characterised by semi-detached properties. It was noted that a number of semi-detached properties have been extended to the side, and there is only a limited sense of rhythm in the street scene. The Inspector considered that the overall visual effect is of a long terraced form of development along both sides of the street.</p> <p>The adjacent house has been extended to the first floor at the side, reducing the size and visual prominence of the gap between that building and the donor dwelling. The proposal would close the remaining gap and the visual effect would be a simple continuation of the "stepping-up" of the long terraces which are characteristic of the street scene. Although the new dwelling would be narrower than those nearby, its limited plot width would not be particularly striking or prominent. In long views up the hill the additional built form would appear as a consolidation of the existing terrace.</p> <p>The Inspector found that the proposal would not cause any harm to the character and appearance of the area and the scale and character of the development would be acceptable</p> <p>On the highway issue, there would be one space for the existing house and one for the proposed new dwelling. In addition, one existing on-road bay would be lost. If the maximum Council parking standards were applied, the scheme would be one space</p>

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					below the maximum range set out. The Inspector concluded that the level of car parking proposed was appropriate and would not cause any significant harm to highway safety
<p><b>M0008.11</b>                      Havering Highways                      Central Depot Rainham                      Road Hornchurch  <i>Installation of 14.8m streetworks type pole, equipment cabinet, electricity meter and associated equipment thereto</i></p>	Written Reps	Refuse	Delegated	<p>The site is within the area identified in the Core Strategy and Development Control Submission Development Plan Document Policy Plan as Metropolitan Green Belt. The Core Strategy and Development Control Submission Development Plan Document Policy and Government Guidance as set out in Planning Policy Guidance Note 2 (Green Belts) states that in order to achieve the purposes of the Metropolitan Green Belt it is essential to retain and protect the existing rural character of the area so allocated and that new building will only be permitted outside the existing built up areas in the most exceptional circumstances. No special circumstances to warrant a departure from this policy have been submitted in this case and the proposal is therefore contrary to Policy DC46 of the Development Control Policies Development Plan Document Policy. The proposed telecommunications mast would, by reason of its height and prominent location, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary, to policies DC61 and DC64 of the LDF Core</p>	<p style="text-align: center;"><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted</p> <p>There three main issues in this appeal. Firstly whether the proposal would be inappropriate development in the Green Belt, The second is was the effect on the character and appearance of the area; and finally if the development was inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including the suitability and availability of alternative sites. The proposed pole would be located within the Council's Highways Depot at the foot of a bank close to Rainham Road and near to a railway bridge.</p> <p>The term "building" is defined as any structure or erection and can therefore be taken to include installations such as that proposed and masts are not included as an accepted form of new development in national Green Belt guidance (PPG2). National guidance on telecommunications (PPG8) states that such development is likely to be inappropriate unless it maintains openness. As there would be a man-made feature where one did not exist previously and</p>

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				<p>Strategy and Development Control Policies Development Plan Document.</p>	<p>openness would be reduced albeit to a limited degree. The Inspector stated that when judged against the wording of national policy, the proposal would be inappropriate development in the Green Belt.</p> <p>On the issue of character and appearance, the Inspector considered that the proposal would be comparable to the nearby street lamps and would be seen in the context of the lights and other vertical structures within the Depot such as telegraph poles and floodlights as well as the gantries associated with the railway line. Therefore it would not appear incongruous. A vegetated railway embankment would form the backdrop and mature trees behind the pole would ensure that it did not stand out.</p> <p>On the final issue, the Inspector considered that the need for the proposal as part of the national network had been demonstrated in regard to coverage requirements. It was also agreed that all other reasonable possibilities had been properly and thoroughly explored and it was unlikely that a suitable alternative site existed outside of the Green Belt. In summarising it was concluded that the benefits of the proposal and the other factors that support it clearly outweigh the totality of harm including the conflict with adopted Council Policies and viewed as a whole very special circumstances existed which justified the development.</p>

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<p><b>P1188.11</b>            COUNCIL DEPOT 120            CHERRY TREE LANE            RAINHAM  <i>DEMOLITION OF            DEPOT AND ERECTION            OF 8 FLATS.</i></p>	<p>Written            Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its massing, bulk, vertical emphasis accentuated by dormers in the front roof slope and large front gable feature, appear as an overly dominant development, out of character in the locality and adversely affecting visual amenity in the streetscene contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed development would, by reason of the excessive density, particularly small size of the proposed units, inadequate provision of amenity space, and relative position of ground floor windows to the front parking area, result in a cramped over-development of the site to the detriment of future occupiers and the character of the surrounding area contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies DPD and Policy 3.5 of The London Plan.</p> <p>The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining parking and rear access road and adjoining roads to the detriment of highway safety and residential amenity and contrary to Policies DC2 and DC33 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this case are as firstly the effect of the proposal on the character and appearance of the area; the likely living conditions for future occupants and car parking provision.</p> <p>The appeal site currently accommodates an ex-Council depot building and its surroundings related to the adjacent 2-storey houses, rather than the taller flats nearby and the appeal site. The surrounding residential street scene however is mixed in terms of building design, form, materials and elevational treatment.</p> <p>The proposed building would have a notably larger visual bulk than those around it, with little space around the building. It would appear cramped and confined on its plot, with limited opportunity for any meaningful landscaping. A wide central gable would amplify the building's scale, resulting in a visually bulky structure out of keeping in its setting. The dormer windows, two-storey bay windows and the central gable would combine to give the building a vertical emphasis which is not evident on other properties in the streetscene.</p> <p>On the issue of living conditions, the Inspector noted that a number of the flats would be subject to physical constraints such that the amount of useable floor area. would be less than first appears. In practical day to</p>

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					<p>day living terms, some of the lounge/kitchen areas would need to be kept free of furniture to allow internal circulation and some would have restricted head height across a notable proportion of their floor area. The shared garden areas would be small and open to public view. The front and rear gardens would both be dominated by car parking, and would not of sufficient privacy or quality to allow for sitting out, clothes drying, or doorstep play. The frontage car park is set particularly close to the windows of the ground floor flats and would not provide appropriate living conditions for future occupiers due to light glare and noise and disturbance from manoeuvring vehicles.</p> <p>In terms of parking, there would be a shortfall of some 3 spaces below what the required maximum level of provision. Taking into account local conditions (including the site's Public Transport Accessibility rating and the absence of parking controls on Cherry Tree Lane), it was considered that the proposal makes adequate provision for car parking. However, this did not outweigh the significant harm identified in relation to the effect of the proposal on the character and appearance of the area, and its failure to provide satisfactory living conditions</p>
<p><b>P1066.11</b> 111 Albany Road Hornchurch <i>Change of Use of dwelling house to</i></p>	<p>Written Repts</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal would, by reason of general noise and disturbance caused by the significant number of individual occupiers of the HMO's use of the property, including entering and leaving the premises, use of the rear garden</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue is the effect of the proposed</p>

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<p><i>multiple occupancy with additional acoustic party walling at first floor</i></p>				<p>area and the parking and manoeuvring of their vehicles be unacceptably detrimental to the amenities of occupiers of adjacent properties, contrary to Policies DC4, DC5 and DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p>development on the living conditions of the occupants of neighbouring dwellings with particular regard to noise and disturbance.</p> <p>The proposed development is very similar to that which was the subject of an unsuccessful appeal against enforcement notice except that it proposed the installation of an acoustic party wall where the property connects with the attached dwelling at first floor level. It was accepted that the acoustic wall element of the proposal would be likely to reduce the noise from connecting rooms; however no details of its noise reduction capability were provided. Two first floor rooms abut bedrooms in the attached neighbouring dwelling and these bedsit rooms should be regarded as living rooms as they normally contain televisions and Hi Fi systems. The Inspector concluded that the proposed change of use is harmful to the living conditions of neighbouring residents</p> <p>Furthermore, it was considered that the proposal did not address all of the concerns of the previous proposal. These included the general level of activity and coming and going at the site and use of the garden which is likely to generate noise and disturbance that would not be characteristic of this quiet residential area. These factors would not be altered by the provision of an acoustic wall. On highways issues, the proposal would be likely to result in an increase in the amount of on street parking, but because of the capacity for this in neighbouring roads would be unlikely to be harmful to road safety.</p>



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<p><b>P0244.11</b>                      154 Wingletye Lane                      Hornchurch  <i>Granny annexe rear of                      154 Wingletye Lane</i></p>	<p>Written                      Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposal, by reason of the independent access to the site and the self-contained nature of the accommodation proposed, is considered likely to give rise to the creation of a separate planning unit, which would result in development which is materially out of character with the open, spacious rear garden environment and would potentially result in material harm to neighbouring residential amenity and the provision of inadequate parking within the site, to the detriment of the character of the locality and contrary to the provisions of Policies DC4 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed                      The two main issues in this appeal are the effects of the proposed building, firstly on the character of the surrounding area, and secondly on the living conditions of occupiers of nearby dwellings and future occupiers of the development.</p> <p>The proposed single storey pitched roofed proposal would replace a garage and occupy most of the garden area. In terms of scale and visual prominence, the proposal would fit tightly on the site, with no space between it and the vegetated southern side and end boundaries of its plot resulting in an enclosed effect. This would be at odds with and detract from, the generally open character of the rear garden scene which would be further harmed. This is because of the lack of mitigation proposals, excavation and construction works would put at risk the health of three mature trees close to the southern side boundary.</p> <p>On the issue of living conditions the distance from Wingletye Lane dwellings, with the intervening drive, weighs against concerns about disturbance and loss of privacy. Though it would be visible to adjoining occupiers, an existing outbuilding in that rear garden would be more prominent in their outlook. It was accepted that the proposal would not provide its occupier with normal standards of outlook and private amenity space but if used entirely in an ancillary capacity then these shortcomings would</p>

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					<p>necessarily be seen as fatal to the case</p> <p>No substantive evidence of local need for or shortage of the type of accommodation that the scheme would provide was promoted. The personal needs of the intended occupant were noted. However, the permanence of the harm to character that was the overriding consideration and the appeal was dismissed.</p>
<p><b>P1239.11</b> land adj 19 Blyth Walk Upminster <i>Two storey three bedroomed house plus crossover</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, appear as an unacceptably dominant and visually intrusive feature in the streetscene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD. The proposed development would, by reason of the inadequate on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity and contrary to DC2 and DC 33 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this case are the effect of the proposal on the character and appearance of the area, and on highway safety. The donor property is a two-storey end-terrace house in a prominent position on the corner of Blyth Walk and Humber Drive. The house has gardens to the front and rear, as well as a large side garden which forms the appeal site.</p> <p>Humber Drive is characterised in this location by terraced houses being set back from the road by their side gardens, giving a visual rhythm in the street scene and a pleasant sense of suburban spaciousness. The loss of the side garden to a two storey development of the height, bulk and mass proposed would severely disrupt the openness and rhythm of the Humber Drive street scene. The introduction of significant new built form, protruding much closer to the Humber Drive frontage, would result in an intrusive and</p>

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					<p>overly prominent form of development, harmful to the character and appearance of the area.</p> <p>The proposed dwelling would appear disproportionately large on its prominent corner plot, resulting in a visually cramped form of development that would fail to provide reasonable space or setting around the building. Furthermore its detached nature would be out of keeping with its surroundings</p> <p>The scheme would provide a single off road space in the rear garden of the donor dwelling and the proposed new dwelling would be provided with parking in its front garden. This would fail to meet the maximum advised standards. The Inspector noted that the area appears to already suffer from high levels of demand for on road parking, occupants and visitors would therefore place additional demand on the limited on-road parking potential. The resulting additional competition for spaces would potentially lead to unsafe parking, which is undesirable given the proximity of the nearby school.</p>
<p><b>P0062.11</b> 15a Station Road Gidea Park Romford <i>Two storey building office to ground and flat over</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed building by virtue of its siting in close proximity to its boundaries, height, bulk and massing would be incongruous in the street scene and out of character with existing development, including that in the adjoining station area of the Gidea Park Conservation Area, to the detriment of its character and appearance contrary to Policies DC3, DC61 and DC68 of the</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed The two main issues in the appeal were whether the proposed building would preserve or enhance the character or appearance of the Gidea Park Conservation Area (GPCA); and secondly the effect on the living conditions of future occupiers of the</p>

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				<p>LDF Core Strategy and Development Control Policy Development Plan Document and SPD on Residential Design.</p> <p>The proposal, by reason of inadequate amenity space would provide a poor living environment for the future occupiers of the flatted unit contrary to Policies DC3 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and SPD on Residential Design.</p>	<p>building, in regard to amenity space.</p> <p>The site adjoins the southern periphery of the GPCA and the part of the GPCA adjoining the site on Station Road is characterised by an assortment of single storey buildings to the west, including the station itself. The Inspector considered that modest buildings in the GPCA are important heritage assets within the locality. Another single storey building (the Squirrels Heath Gardening Club) is located to the east of the site.</p> <p>On the first issue, the Inspector found that the proposed 2 storey building would appear out of keeping with its immediate surroundings. Although its scale would not be dissimilar to the houses further along Station Road, it would be set between single storey buildings and would appear as a dominant feature in the street scene, clearly visible within views both into and out of the GPCA. The proposal would be materially harmful to the setting of the GPCA and would fail to preserve or enhance its character or appearance.</p> <p>On the second issue, no private amenity space is provided for the occupiers of the first floor flat. The Council's guidance states that every new home should have access to suitable private or communal amenity space. The Inspector concluded that the lack of private or communal amenity space would have a materially harmful effect on the living conditions for future occupiers, and would conflict with Council guidance.</p>

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<p><b>M0006.11</b> Land at junction of Front Lane and Brunswick Avenue Upminster <i>Installation of 1No. 10.0 metre high shared streetworks pole incorporating shrouded antennas, 2No. equipment cabinets and development ancillary thereto</i></p>	Written Reps	Refuse	Delegated	<p>The proposed telecommunications mast would, by reason of its height and prominent location, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary, to policies DC61 and DC64 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The proposed telecommunications mast and equipment cabinets would result in unacceptable levels of street clutter, which are visually intrusive features in the street scene harmful to the appearance of the surrounding area, contrary to policies DC61 and DC64 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p>	<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal is the effect on the character and appearance of the area. The appeal proposal would be located on a grassed area close to the junction of Front Lane and Brunswick Avenue. The 10m monopole would not be excessively conspicuous in the Inspector's opinion due to the proximity of a tree, which is a similar height, and various vertical features nearby, such as lighting columns and poles supporting traffic signals.</p> <p>However the two metal equipment cabinets were to be substantial in size and would be highly visible, not only within the immediate area, but also within longer views from the north along the open, grassed area between Front Lane and Moultrie Way. The proposed cabinets would, therefore, be incongruous features which would introduce clutter into an area which has been well maintained and improved for the benefit of local people and, as such, it would have a materially harmful effect on the character and appearance of the area.</p>
<p><b>P0152.11</b> 37 Collier Row Lane Romford <i>Demolition of single storey side and rear extensions and four</i></p>	Written Reps	Refuse	Delegated	The proposed development would, by reason of the inadequate provision of amenity space, result in a cramped over-development of the site to the detriment of the amenity of future occupiers and the character of the surrounding area	<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal are the effects of the proposal on: the living conditions of</p>

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<p><i>garages, change of use of first floor from offices to a one bedroom flat. The erection of a two storey side extension to provide a ground floor retail unit and 2 x 1no. bedroom flats with juliet balconies and a boundary wall and railings. Change of use of ground floor from B1(a) to retail A1.</i></p>				<p>contrary to the requirements of the Residential Design Supplementary Planning Document and Policy DC4 of the LDF Development Control Policies DPD.</p> <p>The two storey side extension would by reason of its excessive width, design, siting, scale, bulk and mass, appear unduly overbearing, incongruous, dominant and visually intrusive in the streetscene, particularly given its prominent corner location, harmful to the character and appearance of the surrounding area contrary to Policy DC61 of the LDF Development Control Policies DPD.</p> <p>The bedroom, kitchen and living room windows of Flat 1 would be flush with the pavement on Rosedale Road, which would give rise to undue overlooking and loss of privacy harmful to the amenity and outlook of future occupiers contrary to Policies DC4 and DC61 of the LDF Core Strategy Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p>	<p>future occupiers of the proposed flats, the character and appearance of the site's surroundings and highway safety</p> <p>The proposed ground floor flat would have a through living room and its main window and bedroom window, would immediately face on to the pavement of Rosedale Road. A smaller opening with Juliet balcony in the rear elevation would face a hard-surfaced parking area. Windows in these elevations would be about 1.6 metres (m) wide. If not shielded by curtains or blinds, they would not provide a reasonable standard of privacy for occupiers. The Inspector also considered that the living room would have no outlook at eye level and below, and would receive limited natural light. In regard to the provision of amenity space, a small patio would be provided and its utility would be limited. However amenity space was not deemed to be essential given that families were not likely to live in one bedroom flats.</p> <p>The scheme would occupy a prominent corner position between local shopping parade and suburban residential development. Its roof form and building mass would be subservient to and consistent with the parade. The development would be reasonably separated from the nearest dwelling and would not be overbearing or unduly prominent. The Inspector concluded on this point that developing an unattractive and exposed open site the scheme would not harm the character and appearance of its surroundings.</p>

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				<p>The ground floor hallway window and Juliet balcony of Flat 1 would be located directly adjacent to the parking spaces, which would give rise to undue overlooking and loss of privacy harmful to the amenity and outlook of future occupiers contrary to Policies DC4 and DC61 of the LDF Core Strategy Development Control Policies DPD and the Residential Design Supplementary Planning Document.</p> <p>The proposed development would, by reason of a lack of on site car parking provision, result in unacceptable overspill onto the adjoining roads to the detriment of highway safety and residential amenity contrary to Policies DC2 and DC33 of the LDF Development Control Policies DPD.</p> <p>In failing to deliver a high quality of design and layout through the deficiencies described in the reasons above, the proposal fails to justify such high density of development and would result in an overdevelopment of the site, contrary to Policies DC2 and DC61 of the LDF Development Control Policies Development Plan Document and Planning Policy Guidance Note 3 - Housing.</p>	<p>On the highways issue, the scheme would provide three car spaces which would fall short of the maximum number of six spaces that Council standards required and there was no evidence that this shortfall could not be met on neighbouring roads. The Inspector concluded that the shortfall against the Council's parking standards would not have a materially adverse effect on those interests. In summary the lack of harm to local character and appearance and to highway safety interests failed to outweigh or justify the material harm identified in relation to the privacy and outlook of future occupiers of the proposed ground floor flat</p>

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<p><b>P1495.11</b>                      77-79 Butts Green Road                      Hornchurch  <i>Erection of a single storey rear extension (Resubmission of planning application P1649.09).</i></p>	<p>Written Repls</p>	<p>Approve With Conditions</p>	<p>Committee</p>		<p><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted</p> <p>The appeal was made against a failure to give notice within the prescribed period of a decision on an application for planning permission. The application was called in by the Council's Regulatory Service Committee for determination however they deferred making a decision on the application. The Council resolved that had it been able to determine the application, planning permission would have been refused</p> <p>The appeal property is a retail unit at the end of a small parade of commercial units within the Emerson Park Minor Local Centre. The proposal would be a single storey addition at the rear of the existing unit to create a much larger shop. The main issue is the effect of the proposal on the living conditions of the occupiers of 81 Butts Green Road, with particular regard to outlook.</p> <p>The Inspector considered that the proposal has been carefully designed to reflect the close relationship with this adjacent dwelling in the light of a previously refused scheme that had been dismissed on appeal. In this instance the proposed roof form would be</p>



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					<p>largely flat and set at two different levels with the lower section located closest to the shared boundary with No 81. This would be notably lower than the development that was recently dismissed at appeal. The higher section of the proposed extension would be some distance from this shared boundary</p> <p>The Inspector found that the proposal was somewhat functional in its appearance, it would not look obtrusive or out of place in that context nor would its layout sit uneasily with the varied pattern of nearby existing development. The proximity of a substantial amount of built form close to the rear of No 81 would however not materially harm the outlook from, and the enjoyment of, this property by its occupiers in the Inspectors opinion.</p> <p>In regard to other issues raised by third parties, the Inspector found little substantial evidence to indicate that there would be any additional noise and disturbance from deliveries and servicing sufficient to cause material harm to nearby residents' living conditions. Furthermore conditions could be imposed to control noise to nearby residents from external plant and machinery, including air conditioning and, if appropriate, fume extraction</p> <p>The Highway Authority did not raise an objection to the proposal and the Inspector concluded that the proposal would not cause material harm to highway safety, unduly obstruct traffic along Butts Green Road, nor</p>

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					<p>unacceptably add to local parking problems. A planning obligation was submitted as part of the appeal to address highways issues. The obligation was acceptable to the Council, and significant weight was attached to this in favour of the appeal scheme.</p>
<p><b>P1277.11</b>                      1 Rockingham Avenue                      Hornchurch  <i>First floor side extensions and bay window</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its design, bulk and mass, unsatisfactorily relate to the subject dwelling and as a consequence would appear as an unacceptably dominant and visually intrusive feature in the rear garden environment and surrounding area, to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted</p> <p>The main issue in this appeal was the impact of the proposal on the character and appearance around the Osborne Road and Rockingham Avenue junction. The appeal property is a detached dwelling with a mansard style roof and is unique in the street scene. The proposed extensions include a new dormer, an extension to an existing dormer and a new bay window. The Inspector found that the new dormer could be conditioned in order that its external finishes could match the existing roof and the same was applicable to the extended dormer, Neither of these dormers would significantly impact upon character or appearance of the dwelling. The bay window would be centrally located above a rear extension and its roof would complement the roof style used. In summary, the Inspector concluded that the proposed extensions and bay window would not be harmful to the character and appearance of the dwelling.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P1661.11</b>                      18 Aspen Grove                      Upminster  <i>Two storey side , single storey front and rear extensions with decking area</i></p>	<p>Written Repls</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed two storey side extension combined with the single storey rear extension would, by reason of their excessive height and position close to the boundaries of the site, be an intrusive and unneighbourly development which would be most oppressive and give rise to an undue sense of enclosure as well as having an adverse effect on the amenities of adjacent occupiers at No.16 Aspen Grove contrary to the Supplementary Planning Document (Residential Extensions and Alterations) and Policy DC61 of the LDF Core Strategy and Development Control Policies DPD</p> <p>Informative</p> <p>1. The applicant is advised that in preparing any resubmission the height of the proposed extension should be reconsidered to comply with the Council's Residential Extensions and Alterations Supplementary Planning Document and as a result it may be possible only for the construction of a single storey extension to the side of the application dwelling.</p> <p>2. Thames Water have commented that recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean</p>	<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed.</p> <p>The main issue in this appeal is the effect of the appeal proposal on the living conditions of the occupiers of the neighbouring dwelling with reference to light and outlook.</p> <p>The appeal site is a semi detached dwelling which slopes from the front to back and the proposal is for two storey side and single storey rear extensions. The primary window of the neighbours kitchen would be only 2.5m from the boundary and would have a view onto a blank brick elevations of both the side and rear extensions and these would ranging up to 5.5 metres in height. The Inspector considered that this would result in an oppressive outlook from the window and noted that the appeal site is to the south west of the neighbour. In summary the Inspector concluded that the appeal proposal would be harmful to the outlook from the window and result in an unacceptable loss of daylight.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				<p>that the section pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Waters ownership. Any proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a></p>	
<p><b>P1449.11</b> 115 Highfield Road Collier Row, Romford <i>Two storey side extension and single storey front extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, enclose the gap between the application property and the adjacent block of flats at 117-127 Highfield Road and give rise to an uncomfortable visual relationship between the two building blocks and an unacceptable terracing effect which would be harmful to the appearance of this part of Highfield Road and out of character with the surrounding area. The development is therefore contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Extensions and Alterations SPD.</p>	<p><b>Allowed with Conditions</b></p> <p>The appeal is allowed and the decision is noted</p> <p>The Inspector stated that the main issue in this appeal was the impact of the proposal on the character and appearance of Highfield Road. The appeal site is an end of terrace dwelling and there are only narrow gaps between terraces and also between terraces and adjoining flatted blocks. The gap between the appeal site and its neighbouring flats is only visible from opposite or almost opposite the site and would not appear as a significant visual feature in the street. The difference in height between the proposed extension and neighbouring flats is a relatively common feature given that Highfield Road slopes up from north to south. The Inspector therefore concluded that proposal would not have an</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					adverse effect on the character and appearance of Highfield Road.
<p><b>P1421.11</b>                      6 Allenby Drive                      Hornchurch  <i>New pitched roof over existing bungalow.</i></p>	Written Reps	Refuse	Delegated	<p>The proposed development would result in a visually uncomfortable juxtaposition between the proposed pitched roof and the original flat roof form of the attached neighbour. The resultant unbalancing effect would be harmful to the appearance of this pair of semidetached dwellings and the visual amenity of the surrounding area, contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The proposed roof, in terms of its design, scale, bulk and massing, would result in a disproportionate addition to the host dwelling and a significant adverse visual impact on the character of the area, which is predominantly characterised by dwellings with hipped roofs. The proposal would therefore be contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issue in this appeal is the effect of the proposal on the character and appearance of the pair of bungalows, and on their impact in the street scene. Allenby Drive contains properties of various types and styles, including bungalows and two storey dwellings. The appeal property is one of a pair of flat roofed bungalows, the only dwellings of this style in the street and their appearance is somewhat unusual in the street scene.</p> <p>The Council considered that the proposal would result in a very unsatisfactory relationship between the proposed new roof and the remaining flat roof on the adjoining dwelling. The Inspector agreed and noted the irregularity of the proposed roof form set against with the predominance of hipped roofs in the street and that the proposal would result in a harmful impact on the character and appearance on the appearance of the pair of semi-detached bungalows.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>P0723.11</b> 2 Ravenscourt Drive Hornchurch <i>Detached single garage</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed development would, by reason of its height, bulk and mass, forward of the front elevation and the established development line of Ravenscourt Drive, appear as an unacceptably dominant and visually intrusive feature in the street scene harmful to the appearance of the surrounding area contrary to Policy DC61 of the LDF Core Strategy and Development Control Policies DPD and Residential Extensions and Alterations SPD.</p> <p>The proposed development would, by reason of its insufficient distance to the edge of the public highway result in vehicles parking across the public footpath and highway, contrary to the provisions of Policy DC32 of the LDF Core Strategy and Development Control Policies DPD and Residential Extensions and Alterations SPD.</p>	<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The Inspector considered that there were two main issues in this appeal. The first was the effect of the garage on the character and appearance of the area. The second is its implications for the safety of pedestrians and other highway users. The appeal related to a detached house occupying a corner plot at the junction of Ravenscourt Drive &amp; Ravenscourt Grove in Hornchurch. The proposal involves the erection of a detached garage projecting forward of the main façade of the property.</p> <p>In the view of the Council, the proposal would appear unacceptably dominant and intrusive. The forward projection of the garage would be noticeable across the open forecourt of the property, especially when approaching from the southern part of Ravenscourt Drive. The Inspector considered that it would appear unduly prominent in this particular location and the adverse visual impact of the garage would be reinforced by its close proximity to the highway. It was noted that this is uncharacteristic of the prevailing pattern of built-development within Ravenscourt Drive</p> <p>The Council also alleged that the scheme would result in vehicle parking across the public highway, due to the limited space between the garage and footway. To overcome potential obstructions to the highway, a remote controlled shutter door</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>was proposed to be used. It would have been possible to ensure this type of door is installed by imposing an appropriately worded planning condition. Although the Inspector found in the appellant's favour on the second issue, the overall conclusion is that this consideration was outweighed by the adverse visual impact of the garage</p>
<p><b>P1532.11</b> 115 Sunnyside Gardens Upminster <i>Addition of Half Hip to Roof of approved 2 storey extension</i></p>	<p>Written Reps</p>	<p>Refuse</p>	<p>Delegated</p>	<p>The proposed half hipped roof alteration would, by reason of its, height, bulk and mass, unbalance the appearance of this pair of semi detached dwellings and appear as an unacceptably dominant and visually intrusive feature in the street scene and rear garden environment. The development is therefore considered to be harmful to the appearance this property and the surrounding area contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.</p> <p>The half hipped roof would, by reason of its position and proximity to the neighbouring property (No.117) to the east, overbear and result in loss of light which would have a serious and adverse effect on the living conditions of adjacent occupiers, contrary to the Residential Extensions and Alterations Supplementary Planning Document and Policy DC61 of the LDF Core Strategy</p>	<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues in this appeal were the effect of the proposed development on the character and appearance of the area and secondly on the living conditions of the occupants of 117 Sunnyside Gardens. Sunnyside Gardens is characterised mainly by pairs of semi-detached hip roofed dwellings. The appeal site stands at the end of a long row of such dwellings but No.117 next to it is a semi-detached bungalow and the first of a row of four pairs of bungalows.</p> <p>The proposed half-hipped roof form is not unusual in the street, however found no other instances of it in association with a side extension of the width proposed. The combination of the width and the hipped roof made the proposal seem very bulky in relation to the original form of the dwelling. The length of the ridge and overall mass of the roof would be significantly greater than would be the case with the permitted hipped roof extension. The Inspector found that the</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
				and Development Control Policies DPD	<p>half-hipped addition would disturb the balance of the pair of semi-detached houses even though there is a half-hipped roof at No.113. It also appears unduly bulky and dominant in relation to the bungalow at No.117 because of the greater height of the gable end wall.</p> <p>On the second issue, the Inspector found that the effect of the half-hipped roof causes a significant additional loss of sunlight over a previously approved scheme and would therefore have a harmful effect on sunlight and daylight. In conclusion, the development is harmful in relation to both the main issues.</p>
<p><b>P1396.11</b> 30 Courtenay Gardens Upminster <i>Retrospective planning permission for patio area</i></p>	Written Reps	Refuse	Delegated	<p>The development, by reason of its height and depth, appears as an unacceptably dominant and visually intrusive feature in the rear garden environment, harmful to the appearance of the surrounding area contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies DPD.</p> <p>The development, by reason of its position and proximity to neighbouring properties, results in overlooking and loss of privacy which has a serious and adverse effect on the living conditions of adjacent occupiers, contrary to Policies DC61 and DC69 of the LDF Core Strategy and Development Control Policies Development Plan Document and Residential Extensions and Alterations SPD.</p>	<p><b>Dismissed</b></p> <p>The appeal is dismissed and the decision is welcomed</p> <p>The main issues are the effect of the proposal on the living conditions of the occupants of neighbouring dwellings and secondly, the effect on the character and appearance of the area. The patio has already been constructed and the appeal was determined on the basis that it is for retrospective permission.</p> <p>No 30 replaced a wooden deck that had been in place for some years with a concrete patio. The original decking had open wooden railings across the width of the house with a central set of steps providing access to the garden. The new patio however is enclosed by a brick wall and has two sets of steps that descend from the patio immediately adjacent</p>



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Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
					<p>to the boundaries with the neighbouring properties on either side. In order to build the steps, the depth of the structure has been increased by at least the width of the steps.</p> <p>The enlarged depth of the patio, combined with the repositioning of the steps immediately next to the shared boundary, has resulted in anyone using these steps to reach the garden coming much closer to the boundary with No 32. This has significantly increased the opportunities for overlooking. Therefore this has resulted in a material loss of privacy for the occupants of No 32. The new patio however did not give rise to any additional potential for overlooking of the garden, deck or conservatory of No 28.</p> <p>On the issue of character and appearance, the patio, steps and the walls are not visible from the public realm and adjoining properties are separated by extensive fencing and mature vegetation along their shared boundaries. Views of the patio and steps from these other private gardens are limited and the Inspector concluded that the patio was not harmful but this did outweigh the findings on the first issue.</p>

**TOTAL PLANNING =** 18

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b>APPEAL DECISIONS - ENFORCEMENT</b>					
Description and Address	Appeal Procedure			Reason for Refusal	Inspector's Decision and Comments

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<p><b>ENF/101/10/EL</b> 2a Woburn Avenue Elm Park Hornchurch</p>	<p>Written Reps</p>				<p style="text-align: center;"><b>Dismissed</b></p> <p>The appeal is dismissed and the enforcement notice is upheld without variation. The decision is welcomed</p> <p>The appeal site is located at the junction of Woburn Avenue and Elm Park Avenue in Hornchurch, Essex. Retrospective planning permission for conversion to 4 bedsit flats was refused on 3 September 2010 and dismissed on appeal on 19 October 2011. The enforcement notice was subsequently issued on 16 November 2011.</p> <p>The appeal was made solely on the basis that the appellant required more time to comply with the notice. The reason for this was that the appellant would be able to serve notice and evict the tenants. The appellant requested a compliance of 12 months in order to do this. The Council were of the view that the 6 months time period to comply with the notice is entirely reasonable and 12 months was exceptionally excessive.</p> <p>The Inspector weighed the appellant's argument against the harm to the amenity of the surrounding area caused by the breach of planning control, which has continued for at least 2 years. A further 3 months had elapsed since the appeal was made, with enforcement action effectively suspended. There were no details of the present occupiers or the nature of their tenancies before the Inspector. It was therefore considered that no good reason to justify extending the compliance period further had been promoted by the appellant.</p>

**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
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TOTAL ENF =	1
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**LIST OF APPEAL DECISIONS MADE BETWEEN 11-FEB-12 AND 18-MAY-12**

Description and Address	Appeal Procedure	Staff Rec	Delegated / Committee Decision	Reason for Refusal	Inspector's Decision and Comments
<b><u>Summary Info:</u></b>					
Total Planning =			18		
Total Enf =			1		
Appeals Decided =			22		
Appeals Withdrawn or Invalid =			3		
Total =			19		
	<b>Dismissed</b>		<b>Allowed</b>		
Hearings	0	0.00%	0	0.00%	
Inquiries	0	0.00%	0	0.00%	
Written Reps	14	73.68%	5	26.32%	