



Appeal Decision

Site visit made on 10 November 2020

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/B5480/C/20/3250791

The land at 117 Stanley Road, Hornchurch RM12 4JP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Ian Bloys against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 23 March 2020.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission, the construction of two front dormer windows.
 - The requirements of the notice are:
 1. Demolish the two front dormer windows and;
 2. Remove all building materials and debris from the site as a result of taking step 1.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

Background

2. I am aware that the appellant previously submitted a planning application for a loft conversion and roof alteration, which included two front dormer windows, and which was subsequently refused and dismissed on appeal¹. I have not been provided with a copy of the plans relating to that application however, it appears from the officer's report in respect of the dormers subject of this appeal, that they are smaller than those previously applied for. Consequently, whilst I have had regard to that background, I have determined this appeal based on the submitted evidence and my site observations.

Reasons

3. The main issue is the effect of the front dormer windows on the character and appearance of the area.
4. The appeal property is a modest detached bungalow which features a pair of projecting bay windows with gabled roofs to the front elevation. It is located in a residential area surrounded by other bungalows of the same proportions. The

¹ APP/B5480/D/17/3169785

bungalows feature various external finishes however, the palette of materials is broadly consistent and there is a level of uniformity in the design and overall appearance of the bungalows which greatly enhances the quality of the street scene.

5. There are two-storey houses further along the road in both directions however, I observed that those houses also include design features seen in the bungalows, such as projecting gabled bay windows. In any event, except for those at number 114A, the appearance of which varies from the typical bungalow and house on this road, front dormers are not a feature of the street scene.
6. Whilst the design of the dormers is straightforward and they are aligned with the gables, as a result of their siting, high in the roof close to and between the gable features and ridge, they appear as prominent and awkward additions within the modest roof slope. Furthermore, viewed in this street scene, they appear as incongruous features, which undermine the uniformity of and materially detract from its overall appearance.
7. The appellant provided photographs and details of properties in the wider area which have front dormers, a number of which I was able to view at my visit. However, the existence of front dormers in the wider area does not significantly undermine my observation that front dormers are not a feature and do not define the character of this street scene. In any case, many of the examples given reinforce my view about the adverse visual impact that such development can have on their surroundings. Accordingly, they do not provide a strong argument to justify the appeal development.
8. In any event, with the exception of the dormer at 3 Victor Gardens, for which the Council granted permission earlier this year, I do not know the circumstances of those other dormers being permitted and I have considered the appeal scheme on its own merits.
9. For the reasons given above, I find that the front dormer windows unacceptably harm the character and appearance of the area. This is contrary to Policy DC61 of the Core Strategy² and Policy 7.6 of the London Plan (2016) which together seek buildings and structures of the highest architectural quality which maintain, enhance or improve the character and appearance of the local area. There is also conflict with the design aims of the National Planning Policy Framework and guidance in the Council's SPD.³

Other Matters

10. I acknowledge that there have been no objections to the development and have had regard to emails of support from residents and the support of local councillors. However, this and that there is no harm as a result of loss of privacy or overshadowing are neutral matters which cannot outweigh the identified harm.
11. Additionally, I acknowledge the appellant's misunderstanding in respect of the informal advice offered by a Council planning officer and the appellant's unexpected health problems however, these matters have no bearing on my assessment of the planning merits of the development.

² Havering Core Strategy and Development Control Policies Development Plan Document (2008)

³ Residential Extensions and Alterations Supplementary Planning Document, 2011

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR