



Appeal Decision

Site visit made on 9 September 2020

by Sarah Dyer BA BTP MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 21 September 2020

Appeal Ref: APP/B5480/C/19/3242890

The land at 106 Kenilworth Gardens, Hornchurch RM12 4SG

- 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 Daniel Mills against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice, numbered ENF/364/19, was issued on 12 November 2019.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission the erection of a rear dormer.
 - The requirements of the notice are:
 1. To demolish the rear dormer OR
 2. Clad all sides of the rear dormer with tiles matching those of the roof of the host dwelling AND
 3. Remove all building materials and debris from the site as a result of taking Step 1, or 2 above.
 - The period for compliance with the requirements is 3 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. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

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

Ground (a) and the Deemed Planning Application

2. An appeal under ground (a) is on the basis that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to have been granted.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the site and the surrounding area.

Reasons

4. 106 Kenilworth Gardens (No. 106) is close to the junction of Kenilworth Gardens and Belmont Road. Whilst the predominant building type is semi-detached two storey houses in Kenilworth Gardens, Belmont Road is characterised by bungalows. There are few street trees and there is a wide gap

between the end bungalow in Belmont Road and the houses on Kenilworth Gardens such that the rear elevation of No. 106 is highly visible in the street scene.

5. The rear dormer which has been erected obscures most of the roof slope and it is a dominant feature when viewed from Belmont Road. Its adverse impact on the street scene is exaggerated by its light rendered finish and prominent white fascia boards. Whilst there are other roof dormers in the area it is not a common element of the built form, thus the dormer at No. 106 is incongruous and an uncharacteristic element in the street scene.
6. At the opposite end of Belmont Road, a roof dormer which spans a pair of semi-detached houses is visible, however in this case the dormer has been finished in tiles which match the rest of the roof thus reducing its visual impact. The Council has given the appellant the option of cladding sides of the dormer with tiles as an alternative to its demolition.
7. The appellant refers to other roof dormers in the area, but these are not in such prominent positions as that which is the subject of the appeal. Nor do these examples significantly undermine my observation that roof dormers are not a key element of the character of the area.
8. I conclude that the roof dormer is harmful to the character and appearance of the site and the surrounding area. The development is therefore contrary to Policy 7.6 of the London Plan (2016) and Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document (2008). These policies jointly require new development to complement or improve amenity and character through, amongst other things, its appearance and materials.
9. For similar reasons the development does not accord with guidance provided by the National Planning Policy Framework which seeks to achieve well-designed places.
10. I do not find the advice contained within the Havering London Borough Residential Extensions and Alterations Supplementary Planning Document (2011) regarding roof extensions, loft conversions and dormer windows to be relevant to this appeal.

Other matters

11. The appellant argues that the rendered finish is more energy efficient and that cladding with tiles will be disruptive to his neighbour who is elderly. However, I do not consider that these matters outweigh the harm to the character and appearance which I have found.
12. The appellant also says that changing the finish to the dormer will put him into debt, however there are no details of this or the hardship that would arise to the appellant and his family as a result. Whilst I sympathise with the appellant in the light of the advice which he says he was given by his builder; I attach limited weight to this argument, and it does not outweigh my conclusions with regard to the main issue.

Conclusion

13. 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.

Sarah Dyer

Inspector