



Appeal Decision

Site visit made on 25 November 2021

by **N Thomas MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/B5480/C/21/3270283

197 London Road, Romford RM7 9DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr J A Kingsnorth against an enforcement notice issued by London Borough of Havering.
 - The notice was issued on 12 February 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of two front dormer windows.
 - The requirements of the notice are to:
 - (i) Demolish the two front dormer windows and make good the resulting holes in the roof in materials to match in colour and texture the existing roof material and so that the roof slope matches that of the original roof, or
 - (ii) Implement fully the planning application P0049.18 in relation to the two front dormers so as they accord exactly with the approved plans attached to this notice as Appendix 1, and
 - (iii) Remove all building materials and debris from the site as a result of undertaking step (i) or step (ii) above.
 - The period for compliance with the requirements is three months.
The appeal is proceeding on the ground[s] set out in section 174(2)(a) and (g) 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 allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of two front dormer windows at 197 London Road, Romford RM7 9DJ as shown on the plan attached to the notice.

Preliminary Matters

2. Since the appeal was lodged, the London Plan 2021 (LP) has been published (July 2021) and the Havering Local Plan (HLP) has been adopted (17 November 2021). The policies cited in the reasons for issuing the notice have therefore been superseded. Copies of the relevant policies have been provided and the parties have had the opportunity to comment on their implications for the case.

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

3. Having regard to the reasons for issuing the notice, the main issue is the effect of the dormers on the character and appearance of the site and surrounding area.
4. The appeal site is at the end of a small terrace of three buildings. All three buildings are two storeys with a floor in the roof space. They face onto the

main A118 London Road, in an area characterised by a mix of commercial and residential uses on the outskirts of Romford. There is a wide range of building types in the area, with a bungalow adjacent to the appeal site and a three storey flat roofed building at the other end of the terrace. The site is in a prominent location on the outside of a bend in the road, which is wide and allows sweeping views towards the site. The other buildings in the terrace both have two front dormers with flat roofs. The dormer cheeks are clad in hanging tiles, with white horizontal cladding around the window openings. The window openings are rectangular in shape and divided horizontally into two panes.

5. Planning permission¹ was granted for two front dormer windows to the appeal site. The approved drawing shows that they were to have a similar appearance to the existing dormer windows on the adjoining building, in terms of their proportions and window style. The dormers that have been installed differ from those approved. In particular, they are slightly lower in height, while the window openings are smaller and are divided into three panes. It is also noticeable that black guttering has been installed to the front and sides of the dormer roofs, which is absent from the dormers on the adjoining building.
6. However, the variations from the approved plans are very minor in nature, and have little impact on the overall appearance of the dormers, which is similar to those adjacent. As a result, in the context of the wide variety of built form in the vicinity, the development is not harmful to the appearance of the building, nor does it unbalance the terrace as a whole.
7. I therefore find that the development is not harmful to the character and appearance of the site and surrounding area. It is thus not in conflict with HLP Policy 26, LP Policies D1 and D4, insofar as they seek to ensure that development respects and responds to the distinctive local building forms and surrounding physical context. It is not in conflict with the National Planning Policy Framework, the guidance in the Residential Design Supplementary Planning Document (SPD) 2010, nor the Residential Extensions and Alterations SPD 2011.

Conditions

8. The parties have not suggested that any conditions should be imposed if the appeal is allowed. As the development has been carried out, it is not necessary to impose the standard time limit for commencement, nor is it necessary to require that it is carried out in accordance with any plans.

Conclusion

9. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the construction of two front dormer windows as described in the notice.
10. The appeal on ground (g) does not therefore fall to be considered.

N Thomas

INSPECTOR

¹ Ref P0049.18