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## 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**

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### **Appeal Ref: APP/B5480/19/3241965**

### **The land at 18 Ingrebourne Road, Rainham RM13 9AL**

- 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 Aurimas Zurauskas against an enforcement notice issued by the Council of the London Borough of Havering.
  - The enforcement notice, numbered ENF/586/18, 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 window.
  - 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 three months.
  - The appeal is proceeding on the grounds set out in section 174(2)[a] and [f] 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 (DPA)**

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. 18 Ingrebourne Road (No.18) is a semi-detached house which forms part of an established residential area. Most of the houses facing the road take the form of semi-detached pairs and short terraces of buildings many of which have been altered. However, there are some vestiges of a common design of render,

- under a hipped tiled roof with projecting detailing on the front and corners of the houses at first floor.
5. The changes which have been carried out at No. 18 to accommodate the loft conversion have resulted in one of the first hip to gable alterations in this part of the street. It has had an effect on the street scene, albeit one which is mollified by the alterations which have been carried out to the other houses.
  6. The dormer is in the rear elevation of No. 18 and is not readily visible from Ingrebourne Road however it can be seen between the rear wall of No. 12 and the first house in West Close which is a small cul-de-sac of houses, again of similar design to those surrounding No. 18. Glimpsed views of other dormer windows in the wider area are possible between the houses but given its position the appeal scheme is much more dominant in the street scene. Moreover, the limited occurrence of dormers in the wider area means that they are not a typical part of its character.
  7. Whilst at a distance the grey painted finish to the dormer is not unlike the colour of the roof tiles, in closer views for example from adjoining gardens the difference in the finish of the rendered dormer and the tiles is clear. Consequently, the dormer appears as an incongruous addition to No. 18 as opposed to forming an integral part of the roof. The Council has given the appellant the option of cladding the dormer with tiles as an alternative to its demolition, which would address this point.
  8. Were the whole house to be rendered, as suggested by the appellant, this would change the context of the dormer. However, there is no evidence to show the effect of this potential future state upon which I could conclude that in combination a rendered house and rendered dormer would be acceptable in terms of its effect on the character and appearance of the area.
  9. The appellant refers to other roof dormers in the area, but most are not in such prominent positions as that which is the subject of the appeal. The exception is the dormer at No. 26 which is visible in the roofscape from West Close. However, the Council has advised that the planning application for this development (Council Ref. P1489.19) has been refused. These examples also do not significantly undermine my observation that roof dormers are not a key element of the character of the area.
  10. 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.
  11. For similar reasons the development does not accord with guidance provided by the National Planning Policy Framework which seeks to achieve well-designed places.
  12. 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*

13. The appellant argues that the rendered finish is more energy efficient than tiles and that rendering the house will improve the energy efficiency of the building. However, I do not consider that these matters outweigh the harm to the character and appearance which I have found.

*Conclusion in respect of ground (a) and the DPA*

14. For the reasons given above, I conclude that the appeal on ground (a) should fail and the deemed planning application should be refused.

**Ground (f)**

15. An appeal under ground (f) is on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
16. The purposes of an enforcement notice are set out in Section 173 of the Act and are to remedy the breach of planning control (s173(4)(a) or to remedy injury to amenity (s173(4)(b)). The Council says that the aim of the notice is to remedy the breach of planning control. Nevertheless, the reasons for issuing the notice also refer to the harmful impact of the dormer on the site and the street scene.
17. The appellant considers that it is not necessary to add tiles to the sides of the dormer as required by the notice and that to do so would make it stand out more within its context. He also states that the rendered finish is not suitable for tile facings to be added to it. However, there is no substantive evidence to demonstrate that a tiled finish would be either harmful to the site and its surroundings or that such a finish would be impossible to implement.
18. On this basis it has not been shown that there is a viable alternative to full compliance with the requirements of the notice or that these requirements exceed what is necessary. For these reasons the appeal fails on ground (f).

**Conclusion**

19. 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