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## Appeal Decision

Site visit made on 28 June 2022

**by R Satheesan BSc PGCert MSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 July 2022**

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### **Appeal Ref: APP/B5480/C/21/3287345**

### **99 Howard Road, Upminster RM14 2UQ**

- 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 Ms Lynsey Brook against an enforcement notice issued by the Council of the London Borough of Havering.
  - The enforcement notice was issued on 22 October 2021.
  - The breach of planning control as alleged in the notice is without planning permission, the enlargement to the roof of the property.
  - The requirements of the notice are: EITHER:
    - (i) Demolish the enlargement to the roof; AND
    - (ii) Reinstate the roof as it was prior to the enlargement being carried out; AND
    - (iii) Remove all materials, rubble, and debris from the site as a result of taking steps (i) AND (ii) above, OR
    - (iv) Carry out remedial works to bring the roof extension in accordance with drawing number 1505/03 which was approved under lawful development certificate D0465.17. The drawings which are attached in Appendix 1 to this Notice; AND
    - (v) Clad the gable walls and the external walls of the dormer in tiles matching that of the main roof of the host dwelling; AND
    - (vi) Remove all materials, rubble, and debris from the site as a result of taking steps (iv) AND (v) 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 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 enlargement to the roof of the property at 99 Howard Road, Upminster RM14 2UQ.

### **Preliminary Matter**

2. Havering Core Strategy and Development Control Policies Development Plan Document, 2008 (CS), and policies contained within it, has been replaced with the Havering Local Plan 2016 – 2031, which was adopted in November 2021 (Local Plan). This must now be given full weight in the decision making process. During the course of this appeal, both parties have been given the opportunity to comment on the new Local Plan, and so have not been

prejudiced. I have therefore not assessed the development against the policies of the superseded CS.

## **Appeal on ground (a), the deemed planning application**

### **Main Issue**

3. The main issue is the effect of the development upon the character and appearance of the host building and area.

### **Reason**

4. The appeal site relates to a semi-detached bungalow within a residential area, characterised by interwar semi-detached bungalows with curved bay windows with a pediment above and recessed front entrance doors. I observed during my site visit that a number of the bungalows in the area have been altered and extended at roof level which has affected the original character and symmetry of these groups of semi-detached properties.
5. The appeal property has been recently extended with a ground floor rear extension. The unauthorised works, the subject of this enforcement notice, relates to the enlargement to the roof of the property consisting of a hip to gable and rear dormer roof extension. My attention has been drawn to an approved lawful development certificate<sup>1</sup> (LDC) for an alternative loft conversion, also comprising a hip to gable and a rear dormer roof extension, and one of the requirements of the notice allows this alternative scheme to be implemented. This therefore represents a legitimate fallback position against which to assess the current development. This also leads me to conclude that the principle of a hip to gable and rear dormer roof extension, which unbalances the pair of semi-detached properties (at Nos 97 and 99 Howard Road) is acceptable in principle.
6. The 'as built' roof extension is made from dark grey slates/tiles on the front elevation and light grey coloured UPVC weather boarding on the side and rear elevations. These materials are similar to those found in the immediate vicinity of the appeal site, where a number of loft conversions have been carried out using either slates, tiles, or weather boarding. In addition, the light grey weather boarding and the window frames and rooflights installed at the appeal site matches the colour and appearance of the render and windows at ground floor level, giving an integrated appearance with the main dwelling and surrounding properties.
7. Furthermore, both the slight increase in ridge height and projection of the roof extension beyond the outer face of the side wall are minimal and do not significantly alter the size, bulk, and appearance of the roof extension, particularly when compared to the fallback position outlined above.
8. I therefore conclude that the development does not have a harmful impact upon the character and appearance of the host building and area. In this respect the development complies with policies 7 and 26 of the Local Plan, which amongst other things states that the Council will promote high quality design that contributes to the creation of successful places in Havering by supporting development proposals that:... Are of a high architectural quality and design.

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<sup>1</sup> Council ref: D0465.17: Decision issued on 22 January 2018.

9. The development also complies with Policies D1, D4, D6, and D8 of the London Plan (2021), which seek to deliver good design and state that all new development must be of the highest architectural and urban design quality. Finally, the development complies with aims of part 12 of the National Planning Policy Framework (2021), which requires development to be sympathetic to local character and history.

*Other Matters*

10. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

**Conclusion**

11. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the enforcement notice.

*R. Satheesan*

INSPECTOR