



Appeal Decision

Site visit made on 30 January 2024

by D Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2024

Appeal Ref: APP/B5480/C/22/3312234

20 Lakefields Close, Rainham, Essex RM13 9SL

- 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 Amy Hayes against an enforcement notice issued by the Council of the London Borough of Havering.
 - The enforcement notice was issued on 1 November 2022.
 - 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:
 - (i) Demolish the two dormer windows in the front roof elevation; and
 - (ii) Remove all other debris, rubbish or other materials accumulated as a result of taking step (i).
 - 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 Town and Country Planning Act 1990, as amended (the 1990 Act).

Procedural Matter

2. Whilst not raised as a ground of appeal, the appellant has nonetheless made submissions regarding the Council's requirements to comply with the notice as being excessive. This falls within ground (f) and I will deal with it as though raised by that ground. As the Council has responded to this issue in their Statement of Case, there would be no injustice caused to them by my course of action.

The ground (a) appeal and the deemed planning application

Main Issue

3. The main issue is the effect of the development on the design of the host property and the character and appearance of the area.

Reasons

4. The appeal site comprises a semi-detached bungalow, one of several pairs of bungalows situated in a cul-de-sac. There are various designs of detached bungalows and two storey houses in the immediate area but the design of the

pair of bungalows at Nos 20 and 22 Lakefield Close is the most prevalent. I find the design elements of a simple hipped roof and projecting gable roof feature on the outside edge, together with well-maintained front gardens and/or off street parking areas, contribute towards an attractive residential area.

5. The appellant has changed the hipped roof into a gable end roof and added two pitched roof dormers to the front elevation. One dormer has been built over the projecting gable roof feature and the other is built between the party wall and the gable roof feature, extending across the full width of the lounge window below. The alterations provide an office and an additional bedroom.
6. Both dormers are clad in tiles of a similar colour to the main roof with bargeboards that replicate the design of the projecting ground floor gable feature. However, this does not conceal their size or overcome their poor design. Each dormer extends from the main roof ridge, which emphasises their height and dominance. The office dormer extends to the party wall and is as wide as the window below, extending almost to the eaves and is the larger of the two dormers.
7. The bedroom dormer sits awkwardly on top of the ground floor gable feature detracting from its architectural role as the primary element in the front elevation. I note it does not extend as far as the end gable wall and there is also a gap between the two dormers. Nevertheless, the addition of two dormers on such a small roof area unbalances the pair of bungalows. They also result in an unacceptable form of development that is harmful to the simple design of this modest bungalow and the character and appearance of the area.
8. As such, the development does not accord with Policies 7 and 26 of the Havering Local Plan 2016-2031, adopted November 2021, which require high quality architectural design. It also conflicts with the guidance in Havering's Residential Extensions and Alterations Supplementary Planning Document, adopted 2011. This states that prior to designing an extension, consideration should be given to the details of the original house and the street scene. Dormers should be well contained within the body of a roof, set down from the ridge, set well back above the eaves and away from boundary walls. They should also normally be facing the rear garden.
9. My attention has been drawn to other dormers in the area but none have been added to a bungalow the same size and design as at No 20. Where a bungalow is the same design as at No 20, there is only one front dormer, so again, this is not directly compatible to the appeal site. In any case, I have considered the appeal development on its own merits and I find the appeal under ground (a) fails.
10. The appellant accepts that as existing, the design of the dormers does not accord with Council policy and guidance and suggests some revisions to overcome the Council's concerns. I shall deal with these next in the appeal under ground (f).

The ground (f) appeal

11. The appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve its purpose. The purposes of a notice are set out in

section 173 of the 1990 Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy any injury to amenity (s173(4)(b)). In this case the notice requires the demolition of the dormers. The purpose of the notice is therefore to remedy the breach of planning control.

12. In appealing on ground (f) the onus is on the appellant to specify lesser steps, which in their view would overcome the objections to the development. The appellant's lesser steps are: to change the gable end of the main roof to a hipped barn roof; to reduce the depth of the bedroom dormer by 69cm, to reduce the depth of the office dormer by 1m and to reduce the width of both dormers by 30cm.
13. I find the proposed change from a gable end roof to a hipped barn roof would reduce the size of the main roof visually and as such the dormers would be more prominent. Whilst the reduction in the width and depth of each dormer would lessen some of the harm I have found, nevertheless it would not overcome it. The addition of two dormers on such a small expanse of roof erodes the effect of the ground floor gable feature, which is designed to be the dominant architectural element on the front elevation.
14. For these reasons I therefore find that the steps required by the notice do not exceed what is necessary to remedy the breach of planning control and the appeal on ground (f) fails.

Conclusion

15. 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 deemed application.

D Fleming

INSPECTOR