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# Appeal Decision

Site visit made on 25 October 2016

**by Graham M Garnham BA BPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 01 November 2016**

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**Appeal Ref: APP/W5780/D/16/3156975**

**53 Bawdsey Avenue, Newbury Park, Ilford, IG2 7TN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Shaikh against the decision of London Borough of Redbridge Council.
  - The application Ref 2500/16, dated 30 May 2016, was refused by notice dated 26 July 2016.
  - The development proposed is 6 metre rear ground floor extension from original boundaries.
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## Application for Costs

1. An application for costs was made by Mr & Mrs Shaikh against the London Borough of Redbridge Council. This application is the subject of a separate decision.

## Decision

2. The appeal is allowed and planning permission is granted for a 6 metre rear ground floor extension from original boundaries at 53 Bawdsey Avenue, Newbury Park, Ilford, IG2 7TN in accordance with the terms of the application Ref 2500/16, dated 30 May 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: numbers 1000/001, 1000/002, 1000/003, 1000/004, Existing & Proposed Block Plan and Site Location Plan.

## Main Issues

3. I consider that these are the effects of the proposal on firstly, the living conditions of the adjoining occupiers, by virtue of loss of light, loss of outlook

and increased sense of enclosure; and secondly, the character and appearance of the host and nearby properties.

### **Reasons**

4. The proposal comprises an extension for the full width of the property, 2.6 metres high to a flat roof and projecting 6 metres from the main rear wall of the house. It would be stepped back to the same distance from behind an attached garage. The appellant has not challenged the Council's view that it is only the presence of a first floor 'bay' window that prevents the proposal from being accepted as permitted development. The Council has not contested the appellant's statement that a planning application to reinstate the bay, if it had first been removed to enable the ground floor extension to proceed as permitted development, would be unlikely to be refused.

### ***First main issue – effect on living conditions***

5. There is as yet no rear extension to the appeal property, but there are extensions on both sides. At no.55, the attached semi-detached house, a flat-roofed extension is very close to the common boundary. The appeal proposal would abut this boundary, and project no more than 3 metres beyond this neighbouring development. The latter has glazing for its full width, windows near the appeal side, with a glazed door and another window beyond. In view of this extensive amount of glazing, the limited projection beyond it by the proposal, and the very open nature of the rear garden, I consider that there would be no significant harmful effect on light or a sense of enclosure within, or outlook from, no.53.
6. The side of the proposed extension towards no.51 would abut a full width extension on this side, beyond which the proposal would project about 2 metres. There is a window next door, about 1 metre from the common boundary. In this relationship, and bearing in mind that no.51 is to the south west of the appeal site, I consider that no significant loss of light or outlook, or unreasonably enhanced sense of enclosure, would arise.
7. The projection of the proposal with respect to both adjoining houses is well within the 6 metre limit considered acceptable where permitted development rights apply to properties of this type. The Council has formally accepted that prior approval is not required for two very similar schemes, if the upper floor 'bay' is first removed. There have been no neighbour objections to extensions of a 6 metre projection.
8. From this reasoning and my site visit, I conclude that the proposal would not unreasonably prejudice the living conditions of the adjoining occupiers, by virtue of loss of light, loss of outlook or an increased sense of enclosure. There would be no conflict in this respect with Policy BD1 of the London Borough of Redbridge Borough Wide Primary Policies (2008) [BWPP]. Among other things, this policy seeks to avoid prejudice to the amenity of neighbouring occupiers.

### ***Second main issue – effect on character and appearance***

9. The appeal property is a modest, 2 storey semi-detached house of inter-war origin. It appears largely to have retained its original form and features. The house is open towards the rear, and the extension would be seen only from

behind nearby adjoining properties. An extension of the size that is proposed may well be larger than any contemplated at the time of construction, or deemed acceptable at the date of adoption of the BWPP document. However, I give considerable weight to the more recent provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. This contains the provision that, in specified circumstances and in the absence of neighbour objections, a ground floor extension of 6 metres (and not more than 4 metres in height) is accepted as being permitted development. I regard this as being an important material consideration of significant weight.

10. In the absence of any cited, up-to-date supplementary design guidance, and in the absence of any impact in the public domain, I consider that an objection cannot be sustained on the grounds that the proposal would be intrusive, out of scale and character with the host property and surrounding dwellings.
11. I conclude that, notwithstanding the utilitarian appearance of the proposal, it would not have a significantly harmful effect on the character and appearance of the host and nearby properties. I find that the matters set out above constitute a material consideration of sufficient weight to indicate a decision otherwise than in full accordance with development plan policy.
12. The relevant development plan policies, which might generally support a refusal of planning permission, are Policies BD1 & BD5 of the BWPP; Strategic Policy 3 in the London Borough of Redbridge Core Strategy (2008); and broader provisions on local character and architecture in Policies 7.4 & 7.6 of The London Plan (2011). Taken collectively, these policies seek high standards of design that respect local character and distinctiveness.

### ***The existence of a fall-back position***

13. The fall-back position is either of the prior approval decisions referred to in paragraph 7 above. The 'bay' that would have to be removed to comply with both decisions is continuous with that at no.55, and is integral to the design and form of the rear of the pair as originally built. I consider that its removal would be detrimental to the appearance of the pair, and agree that it is difficult to envisage any reason why its reinstatement would be resisted. The officer report on the proposal says that the removal of the 'bay' would involve extensive works, which would affect the quality of the first floor bedroom and would be at a not inconsiderable expense or inconvenience. I agree. It goes on to say that it is by no means certain that a fall-back scheme would be implemented, and as such moderate weight is given to this possibility. This judgement is contested by the appellant.
14. I have insufficient evidence at my disposal to assess how likely it is that the appellant would be willing to pursue a permitted development option. In any event, I do not need to make this judgement, as I have found the appeal proposal to be acceptable in terms of its planning merits.

### ***Overall conclusion***

15. I conclude, overall and on balance, that the proposal would be acceptable with regards to both main issues. This would be subject to a planning condition to require the use of matching materials, in the interests of a satisfactory

appearance. In addition, I have imposed a condition specifying the relevant plans as this provides certainty.

16. On this basis there is therefore no reason to withhold planning permission, and I allow the appeal.

*G Garnham*

INSPECTOR