

Appeal Decision

Site visit made on 25 January 2017

by K E Down MA(Oxon) MSc MRTPI MRSB

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

Decision date: 3 February 2017

Appeal Ref: APP/W5780/D/16/3164518

9 Tillotson Road, Ilford, IG1 4UZ

- 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 M Razaq against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4448/16, dated 19 September 2016, was refused by notice dated 16 November 2016.
 - The development proposed is an amendment to planning application 2195/15 to enable the creation of a deeper first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. During my site visit I noticed that an additional rear ground floor extension had been added to the appeal dwelling, adjacent to the shared boundary with 7 Tillotson Road. This extension does not appear on any of the plans submitted with this appeal and is not before me to consider.
3. Planning permission has previously been granted under permission ref. 1999/14 dated 5 August 2014 for a first floor rear extension similar to but shallower than the one now proposed. Although the application form relating to this appeal refers to an application ref. 2195/15 and I have repeated this in the description of development above, this application relates to a different development at the site and is the subject of another appeal. Both the Council in their delegated report and the appellant's agent in the grounds of appeal refer to permission ref. 1999/14. I have therefore considered the current proposal in the context of the permitted scheme under permission ref. 1999/14

Main Issues

4. There are two main issues. Firstly, the effect of the proposed first floor rear extension on the character and appearance of the host dwelling, its semi-detached pair and the surrounding area; and secondly, the effect of the proposed extension on the living conditions of neighbouring occupiers at 7 and 11 Tillotson Road with respect to outlook and light.
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Reasons

5. The appeal site comprises a large, semi-detached dwelling of traditional, inter-war design set on a large plot. It lies within a mature suburban street comprising similar dwellings, together with more recent additions and older dwellings of a different, more compact style. No 11, the attached pair, is a similarly imposing property to the appeal dwelling. No 7 by contrast has a more cottagey style with lower eaves and ridge and smaller windows. No 7 extends at first floor to the shared boundary with No 9. An approved first floor extension above the existing garage is currently under construction at No 9 and will extend to the shared boundary.
6. To the rear, single and two storey extensions, approved under permission ref. 1999/14 are under construction. The ground floor extension has a depth generally equal to that of a similar extension at No 11. The first floor element is currently approved to be some 3.4m deep which is about 1.4m shallower than a similar first floor extension at No 11. This appeal seeks to allow the first floor element to extend to some 4.85m, a similar depth to the extension at No 11.
7. The existing first floor rear extension at No 11 although large sits comfortably on the sizeable host dwelling. The Council states that it has been built deeper than was permitted but it is not suggested that any enforcement action has been taken or is proposed. In my view the proposed extension at the appeal dwelling would likewise have an acceptable appearance, remaining subordinate to the host dwelling and balancing the existing extension at No 11. It would be well proportioned in terms of width and its rearward projection would help to offset the currently top-heavy appearance of the dwelling, resulting from the existing large box dormer.
8. It is therefore concluded on the first main issue that the proposed increase in depth of the first floor rear extension would have no materially detrimental effect on the character or appearance of the host dwelling, its semi-detached pair or the surrounding area. There would thus be no conflict with Core Strategy (CS), 2008, Policy SP3 or Policies BD1 and BD5 of the Borough Wide Primary Policies Development Plan Document (DPD), 2008, insofar as they expect new development to be compatible with and contribute to the character of the area in which it is located, not dominate the host building and complement its character in terms of scale, style, form and materials.
9. Turning to the effect of the extension on the living conditions of neighbouring occupiers, I agree with the Council that there would be no materially harmful effect on occupiers at No 11 since, owing to its own similar extension, it appears to have no windows serving habitable rooms that would be affected by the extension in terms of outlook or light.
10. The same is not true of No 7. Although the proposed extension appears to adhere to the 45° rule, set out in the Council's Householder Design Guide, Supplementary Planning Document (SPD), 2012, it would be at the limit of compliance. This, coupled with the fact that the extension would be at first floor and No 9 is a taller and more imposing building than No 7, would result in the proposed extension appearing overbearing and oppressive when seen from the closest windows in No 7, with the outlook noticeably enclosed. This would be despite the extension being set some 3m from the shared boundary.

11. In terms of light, No 7 lies to the south of No 9 and so there would be no material loss of sunlight. However, the depth and proximity of the proposed extension, despite complying with the 45° rule, would result in a material loss of daylight which would lead to affected rooms in No 7 feeling darker and their outlook unduly gloomy.
12. It is concluded on the second main issue that although there would be no material effect on the living conditions of occupiers at No 11, the effect of the proposed first floor rear extension on occupiers of 7 Tillotson Road would be materially harmful to living conditions with respect to outlook and daylight. In consequence, the extension would conflict with CS Policy SP3 and DPD Policy BD1 insofar as they expect new development to respect and not prejudice the amenity of occupiers of adjoining properties and not unreasonably restrict daylight to their properties.
13. Although on the first main issue I find there would be no material harm to the character or appearance of the host property or the surrounding area, this would not outweigh the significant harm to the living conditions of neighbours at No 7 that would result from the proposed first floor rear extension.
14. For the reasons set out above and having regard to all other matters raised I therefore conclude that the appeal should be dismissed.

KE Down
INSPECTOR