

Appeal Decision

Site visit made on 9 May 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/W5780/D/17/3170566
24 Chase Lane, Ilford, IG6 1BH

- 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 Frank Caddy against the decision of London Borough of Redbridge Council.
 - The application Ref 2038/16, dated 2 May 2016, was refused by notice dated 10 January 2017.
 - The development proposed is rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that that these are the effects of the proposal on firstly, the character and appearance of the property and the area; and secondly, the living conditions of the occupiers of the adjoining dwelling at no.26 Chase Lane, with respect to loss of light, outlook and privacy.

Reasons

3. The appeal property is a two storey house forming the westerly end of a short residential terrace. There is similar development along Chase Lane, just to the west. These properties share the common features of a short rear patio connected by steps that drop to much lower ground levels in the back gardens. At no.24, my eye level standing in the garden just beyond the patio steps was at about the level of the floor in the rear living room.
4. The proposal is to create a garden room to virtually the full width of the house, projecting out 3 metres, with a full width patio beyond it. From the drawing, both would appear to have the same floor level as the rear living room. Storage space would be created under the new patio, accessed from the garden.

First main issue – effect on character and appearance

5. Some houses to the west of the appeal site have modest rear extensions that appear to project as far as the original depth of the patios – about 2 metres. One has a very large conservatory, which projects far beyond the nearby
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extensions and appears to be well above the land in terms of height. There is a brick single storey extension at the opposite end of the appeal terrace. I estimate that it projects outwards about the same distance as the appeal proposal. The appellant says that it has planning permission, but I have no further details about it. I consider that it is of significantly larger bulk and scale than other existing extensions nearby. The appeal proposal would differ from it in two respects. Firstly, the use of a matching finish would help integration with the main house. Secondly, a pitched roof would be more in keeping with the houses than the flat roof of the existing development. However, the latter feature would also add bulk to the extension.

6. In addition, it is proposed to extend a new patio outwards about a further 3 metres. I estimate the outer edge would be about 2 metres above ground level at the appeal site and next door. Although it is not clear from the drawings, the grounds of appeal says that a 1.8 metre fence would form the boundary of the patio with no.26. The top of this fence would thus be about 3.8 metres above ground level next door. I consider that this would be readily visible as an intrusive feature from several nearby back gardens.
7. I find that the combined effect of the extension, the patio and the boundary fence would create a feature considerably out of scale with its setting, projecting further and at greater height into the back garden than is characteristic of the locality. This effect would not be materially offset by the use of matching materials, which could be secured by a planning condition.
8. I conclude that the proposal would detract significantly from the character and appearance of the property and the area. This would be contrary to Policy SP3 in the Redbridge Core Strategy (2008) and Policies BD1 & BD5 of the Redbridge Borough Wide Primary Policies document (2008). Among other things, these policies seek high standards of design that contribute to the distinctive character and amenity of an area, creating development of an appropriate scale for the locality that complements the character of the building, including in terms of scale.

Second main issue – effect on living conditions

9. No.26 has double width patio doors quite near the common boundary with the appeal site. The proposed garden room would cause some loss of light and outlook from within the house. However, the single storey height and the projection of not more than 3 metres would now often be regarded as acceptable in adjoining houses. The height of the patio above the neighbour's garden would equate to a wall or fence that could normally be erected as permitted development. Hence I find these parts of the proposal to be acceptable. However, the boundary fence above the patio would loom well above the adjoining garden (see paragraph 6 above), as an intrusive feature detracting from the enjoyment of this part of the property. However, conversely, the fence would prevent any significant loss of privacy next door.
10. I conclude on balance that the proposal would have a limited detrimental effect on living conditions at no.26, with respect to loss of outlook in the garden. This would be contrary to the intentions of Policies SP3 & BD1 not to prejudice adjoining amenity, albeit that these policies do not explicitly include impacts on outlook.

Conclusion

11. I have found decisively against the proposal with respect to harm to character and appearance, to which is added material harm to neighbouring living conditions. These effects could not be overcome by the imposition of planning conditions.
12. I conclude overall therefore that planning permission should be withheld and I dismiss the appeal.

G Garnham

INSPECTOR