The Planning Inspectorate

Appeal Decision

Site visit made on 21 June 2017

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 4 July 2017

Appeal Ref: APP/W5780/D/17/3176101
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 1027/17, dated 6 March 2017, was refused by notice dated 4 May 2017.
- The development proposed is amendment to planning application 2195/15 to enable the creation of a deeper first floor rear extension.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. Planning permission was granted on appeal (Ref: APP/W5780/D/16/3164475) for a two storey side extension and part single storey, part two storey rear extension at the appeal property in accordance with application Ref 2195/15. The permission has been implemented and the development was under construction at my site visit.

3. This appeal seeks permission for the same scheme, but with a deeper first floor rear extension. The two storey side extension and ground floor part of the rear extension shown on the submitted plans are not at issue. The main issue in this case is the effect of the proposed deeper first floor rear extension on the living conditions of the occupiers of 7 Tillotson Road, with particular reference to the effect on outlook and daylight.

4. At the site visit I noticed an additional ground floor rear extension was being built adjacent to the shared boundary with no. 7. I note the occupiers of no. 7 have raised concerns about this. However, for clarity this extension is not part of the proposals submitted with this appeal and is not before me to consider.

Reasons

5. The appeal property comprises a large semi-detached house of inter-war design. It is located within a suburban street which contains a variety of dwelling styles. The adjacent property to the north at 11 Tillotson Road forms the other half of the semi-detached pair. By contrast, no. 7, to the south, is a cottage style dwelling, with a lower eaves height and ridge than nos. 9 and 11, and smaller windows.

6. No.7 extends to the boundary with no. 9. It has a first floor bedroom window close to the shared boundary, which is on approximately the same alignment as the rear wall of the two storey part of the house at no. 9. There are also ground floor windows to a dining and kitchen area within the rear extension to no. 7, which face no. 9 and look out onto a small yard adjacent to the boundary.

7. The extant planning permission allows for a first floor rear extension to the appeal property, which would extend to approximately 3.4 metres (m) in depth from the rear wall of the house and be set approximately 3.1m from the boundary with no. 7. The appeal proposal would increase the depth of the extension by 0.6m to approximately 4m.

8. I have had regard to the previous appeal decisions on the extensions to no. 9. I note that the inspector for appeal ref. APP/W5780/D/16/3164518 considered that at 4.8m in depth the first floor extension would be at the limits of compliance with the '45° rule' set out in the Council's Householder Design Guide Supplementary Planning Document (2012). By definition therefore at 4m deep, as proposed, the first floor extension would comply with this rule.

9. However, the '45° rule' is a guideline to assist the decision maker in making a judgement on the effects on outlook. Strategic Policy 3 of the Redbridge Core Strategy (2008) (the CS) and Policy BD1 of the Redbridge Borough Wide Primary Policies Development Plan Document (2008) (BWPP) require new development to respect the amenity of adjoining properties and not to unreasonably restrict daylight to neighbouring properties. In this case, from my observations on site, due to the particular relationship between nos. 7 and 9, I consider that any further increase in the depth of the first floor extension would have a serious and harmful impact on the outlook from and daylight to this side of the neighbouring property at no. 7, which would be contrary to the development plan policies.

10. No. 9 is a taller and more imposing building than no. 7. Its eaves line rises above that of no. 7. Although the extension would be set away from the boundary, with a hipped roof and lower ridge line than the main part of the house, it would still appear overbearing and oppressive when seen from the nearest ground and first floor windows of no. 7. The outlook from these windows and the yard would be noticeably more enclosed as a result of the proposed increase in the depth of the extension.

11. In terms of light, no. 9 is positioned to the north of no. 7 so the proposal would have no material effect on sunlight to no. 7. However, due to the height of no. 9 in comparison with no. 7, the proposed first floor extension would obscure a significant part of the view of the sky, particularly from ground floor windows on this side of no. 7. The increased depth of the extension would worsen this effect and lead to the dining room/kitchen and bedroom feeling darker and gloomier as a result. This would be exacerbated by the smaller size of the windows to no. 7 and the fact that these are the only windows giving light to the affected habitable rooms.

12. I noted the extensions to the neighbouring properties at 5 and 11 Tillotson Road to which I was referred for comparison. However, the relationships between nos. 5 and 7 and nos. 9 and 11 are different as they form semi-detached dwellings of the same height and scale, which helps to mitigate the impact of the respective extensions on their attached neighbouring property. It

is also a core principle of the planning system that each application is determined on its own merits. In this case it is the particular relationship between nos. 7 and 9 that leads me to the decision I have reached.

13. Accordingly, I find that the proposed first floor extension would cause unacceptable harm to the living conditions of the occupiers of 7 Tillotson Road, with particular reference to the effects on outlook and daylight. Therefore, the appeal proposal would be contrary to Strategic Policy 3 of the CS and Policy BD1 of the BWPP. It would also conflict with paragraph 17 of the National Planning Policy Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR