
Appeal Decision

Site visit made on 18 July 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 04 August 2017

Appeal Ref: APP/W5780/D/17/3173158

31 Fairview Drive, Chigwell IG7 6HS

- 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 Byron Crawley against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 5439/16, dated 21 November 2016, was refused by notice dated 24 February 2017.
 - The development proposed is a two storey side extension and two-storey and single storey rear extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original description of the development submitted to the Council included a front extension however I note from the amended plans that this element has now been omitted. As such, I have taken the description of development from the Council's decision for clarity.
3. I note that revised plans were submitted with the Appellant's Appeal Statement which have amended part of the rear extension to be single storey. However I am required to determine the appeal in accordance with the plans that were considered as part of the planning application as it appears that neither the Council nor adjoining occupiers have seen or had the opportunity to comment on the amended plans. I consider the amendment to be materially different to what was considered by the Council. As such I have determined the appeal on the basis of the plans considered by the Council.

Main Issues

4. The main issues are the effect of the development on:
 - The living conditions of adjoining occupiers; and
 - The character and appearance of the existing dwelling and surrounding area.

Reasons

Living Conditions

5. The 2-storey extension would be located on the side boundary of the site. The adjacent dwelling, No 33, is sited forward of No 31 therefore the extension will be sited in line with the rear elevation of No 33 and extend back. As such, the extension would not be located adjacent to the door or windows in the side elevation of No 33. Nevertheless, the 2-storey nature of the side and rear extension would introduce an overbearing feature on the neighbouring garden and would result in a sense of enclosure to a harmful degree. Whilst I note that No 33 is on a slightly higher land level than the appeal site and there is an existing single storey brick shed on the boundary of the site, this would not sufficiently mitigate against the harm caused by the introduction of a 2-storey extension in such close proximity to the side boundary.
6. Given the harm that would be caused to the living conditions of No 33 the proposal fails to accord with Policies BD1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (2008) and Strategic Policy 3 of the Local Development Framework Core Strategy Development Plan (2008), which seek to protect the living conditions of adjoining occupiers.

Character and Appearance

7. The existing dwelling is a 2-storey semi-detached dwelling located on a residential estate. There is a variety of design and scales present in the immediate surroundings. From the public realm the main view of the proposal would be the set back, 2-storey side extension. There would also be a view of the 2-storey rear element from further along Fairview Drive, where the road bends round, however this view would be limited. As such, I do not consider that there would be any harm caused to the character and appearance of the surrounding area as a result of the development.
8. Although the proposed extensions would extend across the whole rear elevation and wrap around the side of the dwelling, due to the single-storey nature of part of the rear extension, I do not consider the proposal to be over dominant or excessive in terms of its impact on the existing property. The proposal would retain an acceptable area of garden land. As such the development would not be out of scale or character with the existing dwelling. As such, the proposal complies with Policies BD1 and BD5 of the Borough Wide Primary Policies Development Plan Document insofar as they relate to the character and appearance of the dwelling and surrounding area. However, these considerations do not outweigh the harm that would be caused to the living conditions of the occupants of No 33 identified above.

Other Matters

9. I note that the Appellant advises that the development is necessary to meet the needs of the family. However, the benefits that would result from the additional accommodation would not be sufficient to outweigh the harm that would arise to the living conditions of the occupants of No 33 in this instance.
10. Furthermore, I note that the Appellant's Statement advises that there have been no objections from the neighbours at No 33 however I have been provided with copies of objections from the occupants of this property.

Conclusion

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

R Norman

INSPECTOR