



Appeal Decision

Site visit made on 15 August 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/W5780/W/17/3169891
19 Dunspring Lane, Clayhall IG5 0UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gurbaksh Sagoo against the Council of the London Borough of Redbridge.
 - The application Ref 4063/16, is dated 22 July 2016.
 - The development proposed is to erect two storey side and part two storey rear extension with the demolition of existing outbuilding. Installation of a dormer window to rear roof slope.
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Decision

1. The appeal is dismissed and planning permission is refused insofar as it relates to the installation of a dormer window to rear roof slope. The appeal is allowed and planning permission is granted for a two storey side and part two storey rear extension with the demolition of existing outbuilding and at 19 Dunspring Lane, Clayhall IG5 0UA in accordance with the terms of the application Ref 4063/16, dated 22 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Block Plan Drawing No FP-15-008-OS, Ground Floor Plan Existing Drawing No FP-15-008-E01, First Floor Plan Existing Drawing No FP-15-008-E02, Roof Plan Existing Drawing No FP-15-008-E03, Elevations as Existing Drawing No FP-15-008-ELE01, Ground Floor Plan Proposed Drawing No FP-15-008-P01 Revision B, First Floor Plan Proposed Drawing No FP-15-008-P02 Revision B, Loft Plan Proposed Drawing No FP-15-008-P03 Revision B, Roof Plan Proposed Drawing No FP-15-008-P04 Revision B, Elevations as Proposed Drawing No FP-15-008-ELP01 Revision B.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
 - 4) The roof areas of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of planning permission from the local planning authority.

Procedural Matters and Main Issues

2. I have amended the description of development to include reference to the installation of a dormer window to the rear roof slope as this more accurately describes the proposal.
3. For the reasons that follow, I find the installation of the proposed dormer window to rear roof slope to be unacceptable, but it is clearly severable both physically and functionally from the other proposed extensions which I find to be acceptable. I therefore intend to issue a split decision and grant planning permission for the proposed extensions and refuse planning permission for the proposed dormer window to the rear roof slope.
4. The Council resolved that had it been in a position to determine the application, it would have refused planning permission for reasons relating to (1) the effect of the proposal on the character and appearance of the area and (2) the effect of the proposal on the amenity of nearby residents with regard to outlook and light. The main issues are therefore the effect of the proposed development on the:
 - character and appearance of the area;
 - living conditions of nearby residents with particular regard to outlook and light.

Reasons

Character and appearance

5. The appeal property is a semi-detached dwelling in a residential area characterised by properties of a variety of styles including bungalows and semi-detached properties. Many of the dwellings have been extended and they incorporate a variety of roof forms and are mainly finished in render of a variety of colours. Thus the area has a varied character and appearance.
6. Policy BD5 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (2008) (DPD) states extensions should complement the character of the building. With regard to dormer extensions its states proposals will be supported where they do not dominate the existing roof profile (rear dormers do not occupy more than 40% and side dormers 25% of the roof face), nor rise above or break the existing ridgeline or hip of the roof, are set in approximately one metre from each boundary and the eaves.
7. Whilst, I acknowledge that the resulting pair of semi-detached dwelling would not be symmetrical, unsymmetrical semi-detached properties are a common feature of the varied street scene.
8. Even though the proposed side extension is not set in by one metre from the appeal site boundary at ground floor level, it is set in from the boundary at first floor level and set back from the main front elevation making it appear subservient to the host dwelling and avoiding any terracing effect.
9. Furthermore, the proposed extensions would be similar to others on the street and would be constructed from matching materials. In my view, these elements of the proposal would therefore accord with the overall good design

aims of Policy BD5 of the DPD and the London Borough of Redbridge Householder Design Guide Supplementary Planning Document (2012) (SPD).

10. Turning my attention to the proposed rear dormer window. Even though set down from the ridge of the main roof and in from the appeal site side boundaries it would occupy a large proportion of the rear roof slope.
11. I am told there are other dormer windows nearby and I also observed a number of large dormer windows on my site visit. However, the full details of those examples are not before me, particularly whether or not planning permission was granted by the Council or whether they have been built through exercising permitted development rights. Even though, I note the adjoining semi-detached dwelling is owned by the appellant that may not always be the case. I therefore attach limited weight to these matters.
12. The Council state that the proposed dormer window would exceed 40% of the rear roof face and I find no reason to question this. The proposed tall and wide flat roof dormer, through its scale would be an overly prominent incongruous feature of the area which would dominate and harm the appearance of the appeal dwelling when viewed from the rear gardens of neighbouring properties.
13. Thus for the reasons given, the proposed extensions would not harm the character and appearance of the area whereas the installation of the proposed dormer window to the rear roof slope would. The proposed extensions would therefore accord with the aims of Policies BD1 and BD5 of the DPD, Policy SP3 of the London Borough of Redbridge Core Strategy Development Plan Document (2008) (CS) and the SPD whereas the proposed dormer window would not. These policies taken together seek to ensure good design and that new development does not harm the character and appearance of an area.

Living conditions

14. The Council's concerns in this regard relate only to the effect of the proposed first floor rear extension. I agree that the other elements of the proposal would have no harmful impact on the living conditions of residents living nearby.
15. I acknowledge that the proposed first floor rear extension would project some 3.5 metres to the rear. However, it would be set in a significant distance from both appeal site boundaries with the neighbouring dwellings. Furthermore, it would have a hipped roof, which would slope away from both neighbouring properties and back towards the appeal dwelling to a relatively low ridge line which would reduce its bulk. Thus, the proposed first floor rear extension would not generate any sense of enclosure, overbearing effect or have any significant impact on light enjoyed by the occupants of both immediate neighbouring dwellings.
16. For these reasons the proposal would not harm the living conditions of nearby residents with particular regard to outlook and light. In this regard the proposal would accord with the aims of Policies BD1 and BD5 of the DPD, Policy SP3 of the CS and the SPD which taken together seek to ensure good design and that new development does not harm the amenities of residents living nearby.

Other Matters

17. In reaching these conclusions, I have considered the appellant's personal circumstances associated with caring for dependent relatives and the need for the appeal dwelling to be accessible. I have also noted the appellant's comments with regard to the Council's handling of the relevant planning applications. However, I must confirm that I have determined the appeal on its planning merits.

Conditions

18. The conditions imposed are those which have been suggested by the Council. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition which requires materials to match the existing dwelling in the interests of safeguarding the character and appearance of the area.
19. I also agree a condition is necessary to ensure the proposed roof areas are not used as balconies or other outside space in the interest of safeguarding the privacy of residents living nearby.

Conclusion

20. For the reasons set out above and having had regard to all other matters raised, the proposed extensions would accord with the development plan whereas the proposed dormer window to the rear roof slope would not. Thus insofar as the proposal relates to a two storey side and part two storey rear extension with the demolition of existing outbuilding, the appeal is allowed and planning permission is granted and insofar as it relates to the installation of a dormer window to rear roof slope the appeal is dismissed and planning permission is refused.

L Fleming

INSPECTOR