



Appeal Decision

Site visit made on 8 August 2017

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 29 August 2017

Appeal Ref: APP/Z5060/D/17/3177330
56 Stratton Drive, Barking IG11 9HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Monwara Khatun against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 17/00286/PRIOR6, dated 13 February 2017, was refused by notice dated 27 March 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension at 56 Stratton Drive, Barking IG11 9HH in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO.

Procedural Matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of the appeal will be made in the same manner.
3. The date of the application included in the heading above is that given on the application and appeal forms. However, from the Council's letter of notification to neighbouring occupiers, the application was received by the Council on 16 February 2017 and I intend to determine the appeal accordingly.

Reasons

4. From the details provided, the Council considers that the proposal would meet the relevant criteria for permitted development and I see no reason to disagree with this assessment. The appeal dwelling is a mid-terrace property and currently includes an extension to the rear, which would be replaced by the appeal proposal. This would be larger than the existing structure and extend across the full width of the appeal site, to a depth of some 5 metres and a maximum height of 3 metres.

5. The adjoining dwelling, No 54, has a sizeable conservatory extension to the rear, although the appeal proposal would extend beyond this. To the other side, a ground floor window exists in the original rear elevation of No 58, in relatively close proximity to the shared boundary. Whilst I have been advised that permission has been granted at No 58, for an extension of a similar depth to that proposed, I have no details of this neighbouring development, or any indication that it will take place. As such, it has not affected my assessment of the appeal proposal.
6. The *Barking and Dagenham Residential Extension and Alterations Supplementary Planning Document 2012* (SPD) provides guidance in assessing the impact of extensions on the amenity of adjacent properties, with reference to the Council's *Borough Wide Development Policies DPD* Policies BP8 and BP11, which seek to protect local living conditions. The height of the proposal would accord with the SPD guidance. However, the proposed extension would be of a greater depth and in closer proximity to the neighbouring dwellings than recommended.
7. Given the size of the rear projection proposed, its siting and the relationship to the adjoining properties, the appeal proposal would inevitably alter the outlook from within those neighbouring dwellings. It would also result in some increase in the sense of enclosure within the gardens of these properties. However, the gardens of these dwellings are relatively generous in size and extend a reasonable distance from the rear elevation of the dwellings. Taking this into account and given the overall scale of the proposal, including its relatively limited increase in height and depth in comparison to the existing structure, I consider that it would not be unreasonably oppressive or overbearing on neighbouring occupiers. As a result, whilst not fully in accordance with the SPD guidance, I find that its effect on outlook and enclosure would be acceptable.
8. In addition, whilst the proposal would lead to some loss of light to neighbouring occupiers, both inside and outside their dwellings, the window at No 58 is situated to the south of the appeal dwelling. To the north, the existing conservatory extension would reduce the impact of the proposal in this regard. Given the height and depth of the proposal and the respective orientation of the dwellings, I consider that any overshadowing would be very limited and the impact of the appeal extension in respect of light would be modest, including on No 58.
9. The appeal dwelling is separated from the neighbouring dwellings to the rear by some considerable distance, due to the depth of the respective rear gardens. In addition, some screening between the neighbouring properties is provided by trees, vegetation and existing outbuildings. Taking these matters into account, given the size and height of the proposed extension, I am satisfied that it would not be unacceptably oppressive and would not have an adverse effect in respect of outlook, or privacy, within these neighbouring dwellings or their gardens. As such, overall, I am satisfied that the proposal would not be materially harmful to the living conditions of neighbouring occupiers.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development

shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

A Napier

INSPECTOR