



Appeal Decision

Site visit made on 22 October 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2019

Appeal Ref: APP/Z5060/D/19/3235685

17 Melford Avenue, Barking IG11 9HS

- 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 S Islam against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00687/FUL, dated 15 April 2019, was refused by notice dated 19 July 2019.
 - The development proposed is a two storey side and part single part two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is taken from the Council's decision notice as this provides a more accurate description of the proposals.
3. The submitted plans and elevations marked as 'existing' show a ground floor rear extension, and side gable & dormer roof extensions which were not present on site. For clarity and in accordance with the description of development the appeal is determined on the 'proposed' plans with the exception of the rear dormer roof extension.
4. Drawing no PA002 is erroneously annotated as ground floor plans; these were read as existing and proposed first floor plans.

Main Issues

5. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the locality; and,
 - The effect of development on the living conditions of neighbouring occupiers at 15 and 19 Melford Road, having particular regard to sunlight and outlook respectively.

Reasons

Character and Appearance

6. Melford Avenue is a suburban road characterised by consecutive terraces of four dwellings generally separated by visible gaps above the linked ground floor garages of the end-terrace units. The original terrace blocks generally have hipped roof designs emphasising the spaces between them and creating a strong

characteristic of the Melford Avenue streetscene. These originally planned spaces provide visual relief and prevent the excessive massing that would arise from longer continuous terracing.

7. The proposed two-storey side extension would extend to the common boundary line with no19 thereby filling approximately half of the existing gap. This would result in a substantial narrowing of the planned space between the consecutive terraces. The Council's Residential Extensions and Alterations Supplementary Planning Document (2012) (SPD) advises that where *"gaps between buildings contribute positively to the character of the area it will be expected that the first floor of the proposed side extensions are set off the side boundary of the site"*. Notwithstanding that the roof structure over the side extension would be set lower than the main roof or that the forward part of the first floor would be set-back behind the main front elevation, the effect of the side extension and enlargement of the roof would compromise the visual relief between the adjacent terraces to a degree that would undermine the prevailing character of the area to the detriment of the quality of the streetscene. This would likely be exacerbated should a similar extension be added to no19.
8. Furthermore, that part of the proposed roof directly above the side extension would introduce a forward and side roof pitch that neither reflects those of the existing dwelling or other roof extensions in the vicinity. The contrary angle of the forward roof slope and the steep side hip would subsequently appear awkward and introduce an incongruous roof form to the locality. This design would fail to respect the character and appearance of the existing dwelling or development in the surrounding area. This would cause additional harm the character and appearance of the Melford Avenue streetscene.
9. My attention was drawn to other properties in the area that have two-storey side extensions. I noted that these examples are in the minority and in any case the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm. Precedent is rarely an argument that should carry great weight in planning decisions which should be made on their own merits in the context of the development plan and other material considerations. These examples do not, therefore, lead me to alter my findings on this issue.
10. The two-storey side extension would cause unacceptable harm to the character and appearance of Melford Avenue contrary to Policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document of 2011 (DPD) and the Council's Residential Extensions and Alterations Supplementary Planning Document (2012) (SPD) which require, amongst other things, that development has regard to the design of the existing building, the character of the area and helps create a sense of local identity, distinctiveness and place.

Living Conditions

11. I note that the Council has recently determined an application for prior approval for a rear extension projecting 6 metres and of no greater height than 3 metres at the appeal site (Council's ref.19/00205/PRIOR6). The appeal scheme includes a similar single storey element but across the full width of the site. Although this element of the extension would exceed the rearward projection guidelines in the SPD the principle of development is established and constitutes a viable fall-back position. It therefore carries weight in consideration of the appeal.

12. The additional width of the extension would not materially affect the living conditions of occupiers of no15. However, due to the orientation of the terrace the proposed rearward projection of the proposed two-storey element would result in additional overshadowing of the closest ground floor windows and glazed side kitchen door to the rear of that property. The proposed projection would exceed the limits set out in the SPD as it relates to two-storey rear extensions and would result in the loss of about half of the morning's direct sunlight. The combined effect of the extensions would consequently cause significant harm to the living conditions of neighbouring residents as a result of the loss of direct sunlight and overshadowing.
13. The rear elevation of no19 is set back from that of the appeal property with the main side elevation offset from the common boundary. The proposed extension would project along the common boundary behind the line of the rear elevation of no19, the first two metres or so would be two-storey in height. There is only one obscure-glazed side-facing window to no19 so views from that property would be limited to those from the closest rear-facing ground floor window and the external garden area.
14. Whilst the scale of development on the boundary would not be insignificant its effect would be limited from within no19. By virtue of the distance to the nearest habitable room windows, only the far end of the single storey element would feature in outward views. Due to its lower height at this distance and the presence of a shed and hedge within the neighbouring property, views of the extension would be limited and therefore not appear overbearing.
15. Whilst the effect would be greater from the patio area immediately behind no19, the development would form a limited extent of the common garden boundary length and would not therefore dominate outlook or impose a significant sense of enclosure. Furthermore, this would be partly ameliorated by the neighbour's shed and consequently not be so harmful as to warrant refusal of planning permission with respect to the effect on the living conditions of the occupants of no19.
16. However, for the reasons set out above, the proposed development would fail to maintain a suitable standard of living conditions for neighbouring occupiers at 15 Melford Avenue because of the significant harm to sunlight and overshadowing. As such it would be contrary to Policies BP8 and BP11 of the DPD and the SPD which require, amongst other things, that development avoids significant overshadowing and protects high standards of living conditions and amenity in the locality.

Other Matters

17. The appellant advises that the development would provide for the needs of the occupants and their growing family. However, whilst acknowledging the benefits that would result in this respect, these personal circumstances are not sufficient to outweigh the harm that I have identified.

Conclusion

18. For the reasons above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR