



Appeal Decision

Site visit made on 26 November 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2019

Appeal Ref: APP/Z5060/D/19/3235813

27 Albert Road, Dagenham RM8 1LR

- 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 Abdul Kuiyum against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00727/FUL, dated 25 February 2019, was refused by notice dated 19 June 2019.
 - The development proposed is demolition of existing garage and erection of part single/part two storey side/rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of part single/part two storey side/rear extension at 27 Albert Road, Dagenham RM8 1LR in accordance with the terms of the application, Ref 19/00727/FUL, dated 25 February 2019, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: ZAAVIA/27AR/201 A; ZAAVIA/27AR/202 A; ZAAVIA/27AR/203 A; ZAAVIA/27AR/204 A; ZAAVIA/27AR/205 A; ZAAVIA/27AR/206 A; ZAAVIA/27AR/207 A; and ZAAVIA/27AR/208 A.

Preliminary Matter

2. I have used the description of development shown on the Council's decision notice and the appellant's appeal form in the banner heading and the decision because it is more precise than the description shown on the planning application form.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the host dwelling and the street scene; and (ii) the living conditions of the occupiers of No 49a Temple Avenue, with particular regard to outlook and overshadowing.

Reasons

Character and appearance

4. The appeal property is a 2 storey end-of-terrace dwelling, which is located in an established residential area that predominantly consists of terraced housing. The terrace that includes the appeal property is designed with a hipped roof and the front elevation features 2 storey bays and pitched porch canopies above the front doors. The street scene in Albert Road includes 2 storey side extensions that extend up to the side boundary.
5. The guidance in paragraph 5.4.2(b) of the Residential Extensions and Alterations Supplementary Planning Document ('SPD') states that side extensions on terraced houses should be designed so that the front elevation is parallel with the front of the existing house. The document states that this will help to maintain the built form of the terrace of which the house is a part. The first floor of the proposed 2 storey side extension would be set back 1m from the front elevation of the host dwelling, which is contrary to the guidance in paragraph 5.4.2(b) of the SPD.
6. Nevertheless, in order to justify the withholding of planning permission it is necessary to demonstrate how the proposed development would cause harm. In this case, the proposed extension is designed with a hipped roof, which would reflect the form of the main roof. The extension would be proportionate to the width of the host dwelling and the set back of the first floor from the front elevation would ensure that it would appear subordinate to the host dwelling and the wider terrace. It would respect the form and balance of the terrace. The proposed development would therefore integrate satisfactorily with the design and form of the existing building.
7. The proposed front windows of the side extension would be slightly different to the size and design of the existing front windows, however this would not be so noticeable that it would amount to sufficient grounds to withhold planning permission.
8. For the above reasons, I conclude that whilst there would be some conflict with the guidance in the SPD, in this case the proposed development would not be harmful to the character and appearance of the host dwelling and the street scene. The proposal would therefore accord with Policies BP8 and BP11 of the Barking & Dagenham Borough Wide Development Policies Development Plan Document 2011 ('DPD'), which amongst other things, state that all developments are expected to have regard to the local character of the area.

Living conditions

9. The proposed development would adjoin the boundary with No 49a Temple Avenue. The rear garden of the neighbouring property includes a large outbuilding which is positioned adjacent to the shared boundary.
10. The outlook from the ground floor rear windows and patio area of No 49a is already restricted by the size and position of the outbuilding in its rear garden. In comparison to the existing situation, I do not consider that the proposed extension would cause a significant loss of outlook to the ground floor windows or the patio area, particularly given that the hipped roof of the proposed extension would slope away from the boundary.

11. Whilst the proposed extension would be more noticeable from the first floor rear windows of No 49a, the hipped roof design and the relative height of the extension in relation to the first floor windows would ensure that there would not be a significant loss of outlook.
12. Furthermore, taking into account the modest width of the proposed extension; the hipped design of the roof; and its set down from the ridge of the main roof, any additional overshadowing of the neighbouring property would be minimal and would be likely to affect the part of the garden occupied by the outbuilding rather than the patio area.
13. For the above reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of No 49a Temple Avenue. The proposal would therefore accord with Policies BP8 and BP11 of the DPD and guidance in the SPD, which, amongst other things, seek to protect residential amenity.

Other Matters

14. I have had regard to the concerns raised by the occupier of No 51 Temple Avenue, which include: loss of privacy; dominating impact; impact on right to quiet enjoyment; and, noise and disturbance. The provisions of Article 1 of the First Protocol of the Human Rights Act 1998 has also been raised in respect that a person is entitled to the peaceful enjoyment of his possessions.
15. The appeal site is located in an urban area where there is mutual overlooking of gardens. In comparison to the existing situation, the proposed development would not cause a significant increase in overlooking of neighbouring gardens, including No 51. Furthermore, owing to the distance and relationship of the proposed rear windows to neighbouring windows, it would not afford direct views into neighbouring habitable rooms. The proposed development therefore would not cause a significant loss of privacy to the occupiers of neighbouring properties.
16. The proposed extension would not appear dominant or cause a significant loss of outlook from No 51. The 2 storey element of the proposed development would be positioned a sizeable distance from the neighbouring rear windows and patio area, which, together with the hipped roof design of the extension, would ensure that it would not appear dominant or cause a significant loss of outlook to the neighbouring property. The single storey element of the proposed extension would not cause a significant loss of outlook due to its modest height.
17. The proposed development would be occupied as part of the existing residential property and there is no substantive evidence before me to suggest that the proposal would cause a material increase in noise and disturbance.
18. Taking the above into account, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of No 51. The degree of interference that would be caused would be insufficient to give rise to a violation of rights under Article 1 of the First Protocol of the Human Rights Act 1998.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty. In order to maintain the character and appearance of the dwelling and the surrounding area, I have also imposed a condition requiring the external surfaces of the development to be finished in materials to match those used in the existing building.

Conclusion

20. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR