
Appeal Decision

Site visit made on 3 December 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/Z5060/D/19/3236722

104 Billet Road, Romford RM6 5PR

- 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 Hajar Singh against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00938/FUL, dated 29 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence before me indicates that a single storey extension benefits from prior approval and it is shown to be in existence on the submitted plans. However, it has not been built. I have therefore considered the proposal on the basis that the ground floor extension would be built prior to the first-floor extension that is the subject of this appeal and that the resultant situation would be in accordance with the submitted plans.

Main Issues

3. The main issues are the effect of the development on:
 - The living conditions of the occupiers of 102 and 106 Billet Road, particularly with regard to any overshadowing or sense of enclosure.
 - The character and appearance of the existing house and the surrounding area.

Reasons

Living Conditions

4. The dwelling at the appeal site is located within a terrace of 4 dwellings. The neighbouring property of 102 Billet Road features a conservatory to the rear, but 106 Billet Road appears not to have been extended and features doors and windows on the rear elevation. The proposed first floor rear extension would sit above a single storey rear extension that is yet to be built and would be inset from both side boundaries of the site, with an eaves height that would match the existing dwelling and a ridge that would be lower than the peak of the dwelling's main roof.

5. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD), adopted 2012, states that no part of a 2 storey extension should extend beyond a 45 degree angle taken from the closest corner of the adjoining property. Whilst I have regard to this document, I consider that such a restriction should be applied with some caution as regard should be had to the circumstances of the site and the effect of a proposal should be considered in its own context.
6. The neighbouring property of 106 Billet Road features a ground floor glazed opening within close proximity to the boundary of the site and the evidence before me indicates that this serve a reception room. The combination of the proposed extensions at the appeal site would result in a significant mass of built form at and close to the boundary of the site. This would dominate the outlook from within 106 Billet Road and cause an overbearing sense of enclosure. The inset of the first-floor extension would not mitigate the effect that the scale and bulk of the proposed extension would have on the outlook from within the neighbouring property and also from the part of the garden that is closest to the dwelling.
7. However, due to the depth of the extension and its inset from the boundaries, the effect on the light received within the neighbouring property of 106 Billet Road would not be unduly harmful.
8. The presence of a conservatory extension at the neighbouring property of 102 Billet Road significantly reduces the effect of the development on the occupiers of that property. Although the neighbouring dwelling features a small ground floor window on the original rear elevation, this would be enclosed by the conservatory and the proposed ground floor extension in such a way that the addition of a first-floor extension would not cause further harm.
9. Due to the depth of the extension and its positioning relative to the boundaries of the site and the first floor windows of the neighbouring properties, the development would not have an overbearing effect on the outlook from the first floor windows of either adjoining property to an extent that would be harmful to living conditions.
10. For the reasons give above, whilst I am satisfied that the proposal would not cause overshadowing of any neighbouring dwellings and there would be no harm to the living conditions of the occupiers of 102 Billet Road, the proposal would have a harmful effect on the living conditions of the occupiers of 106 Billet Road as a result of the sense of enclosure that would result. The development would therefore be contrary to policies BP8 and BP11 of the Council's Development Policies Document¹ (DPD) which combine to require that development, amongst other things, maintains residential amenity. The proposal is also contrary to the SPD which states at paragraph 4.2.4 that extensions that are overly oppressive to neighbouring dwellings and cause neighbouring properties to suffer a loss of outlook are unacceptable.

Character and Appearance

11. As set out above, the dwelling at the appeal site sits within a terrace of 4 properties. Several properties within the surrounding area appear to have conservatories and single storey extensions to the rear, but none have first

¹ Planning for the future of Barking and Dagenham – Borough Wide Development Policies Development Plan Document

floor rear extensions. The rear of the dwelling is not visible from the public domain of Billet Road, but the proposed first floor rear extension would be visible from the access road at the rear of the site and from within the rear gardens and dwellings of the surrounding area.

12. Although the effect of the development on the character and appearance of the existing house and the terrace has been advanced as a reason for refusal of the application, the alleged harm has not been commented on within the Council's assessment and no response to this reason for refusal has been provided by the appellant.
13. The first floor extension would be inset from both side boundaries, would be subservient to the main dwelling in terms of width, depth and height and would be constructed from materials that match the existing dwelling. Therefore, it would represent architecture of suitable quality and would not harm the character or appearance of the existing dwelling or the locality.
14. The proposal would, therefore, have an acceptable effect on the character and appearance of the existing dwelling or the surrounding area. The proposal would therefore comply with those aspects of policies BP8 and BP11 of the DPD which require that development has regard to the local character of the area and provides high quality architecture. The proposal also accords with the guidance contained within the SPD which requires that development is sympathetic to the existing house, does not cause a house to appear unbalanced and does not undermine the character of the area.

Other Matters

15. The appellant has identified that the proposal would help to accommodate his growing family. Whilst I have had regard to the appellant's personal circumstances, I am mindful of the advice contained in Planning Practice Guidance² that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. I therefore find that these considerations do not outweigh the harm that has been identified.

Conclusion

16. Although I have found no harm in some respects and have had regard to the personal circumstances of the appellant, these factors do not outweigh the harm that would be caused to the living conditions of the occupiers of 106 Billet Road as a result of the effect on outlook and the sense of enclosure caused. I therefore conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR

² Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'