



Appeal Decision

Site visit made on 8 January 2020

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2020

Appeal Ref: APP/Z5060/D/19/3242079

116 Halbutt Street, Dagenham RM9 5AP

- 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 Adewale Shangobiya against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01464/FUL, dated 5 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is erection of single storey rear extension/conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension/conservatory at 116 Halbutt Street, Dagenham RM9 5AP in accordance with the terms of the application, Ref 19/01464/FUL, dated 5 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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, ZAAVIA/116HS/301, ZAAVIA/116HS/302, ZAAVIA/116HS/303, ZAAVIA/116HS/305, ZAAVIA/116HS/306, ZAAVIA/116HS/307.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers having particular regard to outlook, daylight and privacy.

Reasons

3. The appeal concerns a mid-terraced property with a narrow but relatively long rear garden. This garden is separated from the neighbouring gardens on each side by wooden fencing. As it possible to look over the fencing across neighbouring gardens, the amenity areas to rear of the terrace maintain a particularly open and spacious appearance.

4. Paragraph 5.3.2 of the Residential Extensions and Alterations SPD¹ sets out guidance for single storey rear extensions. Amongst other things, it states that an extension should not normally exceed 3.65 metres as measured from the original rear wall of the house. Where a conservatory is proposed in addition to an extension, a maximum depth of 6 metres as measured from the original rear wall of the house will be allowed.
5. In this case, the extension would occupy the entire width of the garden and would have a total length of 6 metres. It would be divided into two parts, with the first 3.65 metres containing a kitchen and dining area and the remaining 2.35 metres comprising a conservatory. The structure would be 3 metres in height, with the conservatory element having solid walls up to 2 metres and glazing above. These dimensions are in accordance with the guidance set out in paragraph 5.3.2 of the SPD.
6. The proposed extension would be clearly visible from the adjoining houses in the terrace (No's 114 and 118 Halbutt Street) as the side elevations would rise above the level of the boundary fencing. However, while there would be some reduction in outlook, No 118 benefits from a relatively long garden and so an acceptable level of daylight and openness would be maintained. Considering that the garden of No 114 has an open aspect to the south, the development would have little effect on daylight levels and would not lead to a sense of enclosure in that property.
7. Although the rear elevation of the extension would feature extensive glazing, it would not facilitate the overlooking of properties in Osbourne Square. There is little to suggest that any noise or dust from the construction works would have an undue effect on properties in that street.
8. I therefore conclude that the proposed development would have an acceptable effect on the living conditions of neighbouring occupiers. There would be no conflict with Policies BP8 and BP11 of the Borough Wide Development Policies DPD² which seek to protect residential amenity.
9. The appeal is therefore allowed. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. To help protect character and appearance, there is also a condition requiring matching materials.

C Cresswell

INSPECTOR

¹ London Borough of Barking and Dagenham Residential Extensions and Alterations Supplementary Planning Document Adopted February 2012.

² London Borough of Barking and Dagenham Local Development Framework Borough Wide Development Policies Development Plan Document Adopted March 2011.