



Appeal Decision

Site visit made on 5 February 0202

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 3 March 2020

Appeal Ref: APP/Z5060/W/19/3240978

19 & 21 Felton Road, Barking IG11 7XZ

- 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 Perera / Mr Krasimir Stefanov against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/00768/FUL, dated 30 April 2019, was refused by notice dated 8 November 2019.
 - The development proposed was initially described as '*retrospective planning application for retention of single storey rear extension: 19 Felton Road, Start date: 07-05-15, End date 16-12-15 : 21 Felton Road; Start date: 02-04-15, End date: 05-07-15*'.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extensions at 19 & 21 Felton Road, Barking IG11 7XZ in accordance with the terms of the application, Ref 19/00768/FUL, dated 30 April 2020, subject to the following condition:
 - 1) The development to which this permission relates is set out on the following approved plans: ZAAVIA/19/FR/201A; ZAAVIA/19/FR/202A; ZAAVIA/19/FR/203A; ZAAVIA/19/FR/204A; ZAAVIA/19/FR/205A; ZAAVIA/19/FR/206A; ZAAVIA/19/FR/207A; ZAAVIA/19/FR/208A; ZAAVIA/19/FR/209A; ZAAVIA/19/FR/210A and site location plan 1:1250@A4.

Procedural Matters

2. The development was initially described in the terms set out in the banner heading, above, whilst the Council's decision notice set out the description in different terms. I have adopted a simplified and more concise description omitting unnecessary and superfluous wording in my decision, above. I am satisfied that in doing so the nature or character of the development remains unchanged and neither party would be disadvantaged by my revised description. I have also slightly revised the address to read '*19 & 21 Felton Road*', not '*19-21 Felton Road*'.
3. I also saw during my visit to the site, which included access to the external areas of Nos. 19 and 21, that the development to which the appeal relates has been carried out. I have determined the appeal accordingly.

Main Issue

4. The main issue is the effect of the extensions on the character and appearance of the host buildings and the surrounding area.

Reasons

5. Policy BP8 of the 'Borough Wide Development Policies' Development Plan Document (DPD) seeks to protect residential amenity. To this end, all developments will be expected, amongst other things, to have regard to local character and to not lead to significant overlooking or overshadowing. DPD policy BP11 sets out a range of principles which aim to protect and enhance the character and amenity of the area; maintain residential amenity and to provide high quality design. Guidelines for the alteration and extension of dwellings are set out in the Council's '*Residential Extensions and Alterations*' Supplementary Planning Document (SPD).
6. No. 19 is a semi-detached property whilst No. 21 is an end of terrace property. They are separated from each other by a walkway around each building's flank elevation, split by a fence. Both extensions exceed the 3.65 metre depth (from the rear of the main house) that the SPD states that single storey rear extensions 'should not normally' exceed¹. This, the SPD goes on to state¹, is to ensure that there is no material loss of daylight and outlook to neighbouring properties. In exceptional circumstances, where the 3.65m depth is exceeded, a 45-degree angle would be measured from the corner of adjacent dwellings.
7. With regard to No. 19 and its neighbours, both neighbouring properties have been extended at the rear, albeit that one of those, at No. 21, is also the subject of this appeal. In terms of No. 17, the extension at No. 19 projects level with the extended rear of the neighbouring property, whilst it would fall short of that at No. 21. With regard to No. 21, its other neighbouring property, No. 23, has also been extended, albeit that it too falls short of that at No. 21.
8. The Council's sole reason for refusal states that the design, scale and siting of the rear extensions would fail to reflect or respect the character of the existing house [sic] and terrace. However, I saw that single storey rear extensions are commonplace. Nor are those at the rears of Nos. 19 and 21 incongruously larger than those about them. They are located on the rears of the two properties and not widely visible from the street frontage whilst at the rear, although visible, they would be seen clearly in the context of the variously extended rears of other nearby properties. Furthermore, as both have flat roofs they are not excessively or incongruously bulky and are, instead, relatively innocuous additions in between the existing rear extensions of neighbouring properties.
9. With regard to the guidance set out in the SPD, it seems to me that this is primarily aimed at ensuring the protection of residential amenity from excessive overlooking or overshadowing. The Council's sole reason for refusal cites neither, concentrating instead on the effect of the extensions on character and appearance. From my observations of both No. 19 and No. 21 and their respective neighbouring properties during the course of my visit to the appeal properties, I see no reason to reach a different conclusion in respect of overshadowing and privacy. The rear of No. 19 is broadly level with the rear of

¹ Paragraph 5.3.2(a)

No. 17 and, whilst the extended rear of No. 21 projects beyond the extended rear of No. 23, it does not appear to do so significantly, and all properties enjoy an open outlook to the rear across gardens.

10. For the reasons I have set out above, therefore, I conclude that the extensions to the rears of Nos. 19 and 21 would have regard to the character of the local area, and are not incongruous additions to the rears of these properties, or the terrace as a whole. There is no conflict with either DPD policy BP8 or BP11 as a consequence and, although in conflict with the guidelines set out in the SPD, as these principally seek to address matters of privacy and overshadowing, I am not persuaded that any conflict is fatal to the appeal scheme.

Other Matters

11. I have noted carefully the concerns of the occupier of the neighbouring property. The actual internal layout of the extension at No. 19 is not a determinative factor in my assessment of the extension's impact on character and appearance, whilst I have no reason to suspect that domestic noise and activity at the extended property would be out of the ordinary in a domestic residential setting. Reference is made to the extension facilitating the sub-division of the property to create an additional flat, but that is not what is proposed or before me in this instance. Should that be so, then that is a matter for the Council to pursue with the appellants.

Conditions

12. The application and this subsequent appeal were made retrospectively and the extensions are in place. I have carefully considered the Council's suggested conditions but I am satisfied that the materials used in the construction of the extensions are satisfactory. I see no need for the imposition of a time limit or materials condition, whilst I have modified the plans condition to reflect the nature of the appeal decision.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR