
Appeal Decision

Site visit made on 15 September 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/Z5060/D/20/3245035
67 Oval Road North, Dagenham RM10 9EU

- 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 Aurelian Ene against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01355/FUL, dated 15 August 2019, was refused by notice dated 5 December 2019.
 - The development proposed is a two storey side extension with matching hipped roof.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension with matching hipped roof, at 67 Oval Road North, Dagenham RM10 9EU, in accordance with the terms of application Ref 19/01355/FUL, dated 15 August 2019, and 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 development hereby permitted shall be carried out in accordance with the following approved plans: P06019 Sheet 01 (Existing and Proposed Site Plans); P06019 Sheet 02 (Existing Plans and Cross Section); P06019 Sheet 03 (Existing Elevations); P06019 Sheet 4 (Proposed Ground Floor Plan); P06019 Sheet 05 (Proposed First Floor Plan); P06019 Sheet 06 (Proposed Roof Plans and Sections); P06019 Sheet 07 (Proposed Elevations).
 - 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 building.

Main Issues

2. The main issues are the effects of the proposal on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants.

Reasons

Character and appearance

3. The appeal site occupies a corner plot with an angled side boundary that widens toward the rear of the site. Given this, there would be sufficient space retained to the side of the proposed extension such that it would not appear

excessive in scale relative to the site, and I note other corner buildings nearby have been extended in a similar manner. The incorporation of a slight setback to the front first floor elevation and roofline would add an element of subservience which would allow the original building to still be read. The use of matching materials and replication of the hipped roof element to the side would complement the existing building and prevailing character of the surroundings.

4. It is relevant that a dwelling has recently been constructed to the rear of the appeal site, standing perpendicular to the original dwelling and facing onto Ballards Road. There is also a freestanding, single storey garage to the rear corner of the site. The proposed extension would close the gap between the original dwelling and the new dwelling; however, viewed from the street, the properties would be clearly read as addressing different streets. There would be garden areas of sufficient size retained for both dwellings, with the side gardens of both providing separation and a sense of openness between them. Accordingly, I find that the proposal would not result in an unacceptable overdevelopment of the site.
5. For these reasons, I conclude that the proposal would preserve the character and appearance of the area, and no conflict would arise with Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document (March 2011) (the DPD), which together require high standards of design and layout which respect and strengthen local character.

Living Conditions

6. At my site visit, the rear garden of the original dwelling and the garden of the new dwelling were not physically separate. The approved plans for the new dwelling indicate two separate garden areas are intended, and I saw the nominal garden of the new dwelling to be L-shaped, with a narrow patio to the rear and a wider area proposed to be laid to grass on the southern side, between the dwellings.
7. At present, the gap between the dwellings allows sunlight from the south to reach both rear gardens. The proposed side extension would partly enclose this gap, reducing the amount of sunlight reaching the rear patio of the new dwelling. However, occupants of the new dwelling would still benefit from the larger garden area to the southern side which would continue to receive direct sunlight for a similar amount of time during the day as at present. Sunlight would also still be able to reach the rear patio during the morning and through to the middle part of the day, and there would not be a significant increase in the enclosing effect on the rear patio compared to the current situation.
8. Given the orientation of the rear elevation of the new dwelling, and the existing position of the original dwelling roughly to the south-west, the extension would not have a significant effect on the amount of direct sunlight received by the windows in the rear elevation, and it would not adversely affect occupants' enjoyment of these rooms.
9. The proposed extension would add to the massing next to the garden of the new dwelling; however, this would not demonstrably diminish the quality of the garden given the open aspects which would be retained to the south and east. Windows are proposed in the rear elevation which would afford views over the rear patio of the new dwelling, but which would be similar to views already possible from the existing windows. Moreover, the new windows would be at a

very acute angle to those in the rear elevation of the new dwelling, limiting views into the new dwelling and the likelihood of a loss of privacy for its occupants.

10. For these reasons, I conclude that the proposal would not lead to significant harm to the living conditions of neighbouring occupants, and no conflict would arise with Policies BP8 and BP11 of the DPD, which seek to maintain residential amenity, by expecting new developments not to lead to significant overlooking, loss of privacy, overshadowing or loss of daylight and sunlight.

Conditions

11. In addition to the standard time limit, a condition is required specifying the relevant drawings, to provide certainty. It is also necessary to impose a condition requiring external surface materials to match the existing dwelling in order to secure a satisfactory appearance.

Conclusion

12. For these reasons, I conclude that the proposal would accord with the development plan, taken as a whole. Therefore, the appeal is allowed.

K Savage

INSPECTOR