



Appeal Decision

Site visit made on 10 November 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2020

Appeal Ref: APP/W5780/D/19/3243532

6 Raymond Road, Newbury Park, Ilford IG2 7EA

- 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 Mrs Luthfun Nessa Bari against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3950/19, dated 9 October 2019, was refused by notice dated 3 December 2019.
 - The development proposed is erection of first floor rear extension half width of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupants, with respect to outlook and sense of enclosure.

Reasons

3. The proposed extension, at 3m depth, would accord with the size requirements for first floor extensions of the Council's adopted Housing Design SPD (2019) (the SP). However, the rear elevation 4 Raymond Road angles towards the appeal site, an arrangement which means the proposed extension would breach the 45 Degree Rule set out in the SPD as a means to evaluate the effect of a proposal on daylight and sunlight.
4. I recognise that the particular arrangement of Nos 4 and 6 means that any meaningful extension to the appeal dwelling would breach the 45 degree line. It would not conform with the 'typical' example of side by side dwellings given at Figures 7a and 7b of the SPD. As such, whilst the 45 degree rule indicates the potential for the extension to have an effect on neighbouring windows, I do not regard it as the only determining factor in this case, but have taken into consideration my observations on site.
5. The nearest first floor windows are small, narrow openings which appeared obscurely glazed as might serve a bathroom. As such, there would be little effect on outlook from, or light to, these windows. However, I saw that the nearest ground floor window to No 4, and the garden area closest to the dwelling, which already face the longer side wall of the ground floor extension, would face towards what would become a substantial two storey, blank wall at close range. From my observations, this would lead to a demonstrable increase in the sense of enclosure for occupants within the property and in the garden.

6. I accept that other windows to the rear elevation of No 4 would stand a sufficient distance from the extension so as not to breach the 45 degree rule and would not suffer a demonstrable loss of sunlight and daylight. They would also retain broader outlook in other directions. However, the cumulative massing of the dwelling that would result from the proposal, which I saw on site includes a recently constructed rear dormer window not shown on the submitted plans, would form a conspicuous and imposing presence in views from the rear windows and garden of No 4, restricting outlook in a southerly direction and conversely increasing the sense of enclosure and shadowing to the ground floor windows and parts of the rear garden.
7. The appellant points to extensions at 12 Raymond Road as comparable to the proposed scheme. I do not have the full details of the planning history of this site or what considerations were made by the Council in granting any permissions which exist. My observations on site indicated there to be some similarity in terms of size and design; however, a key difference is that the dwellings either side of No 12 stand parallel to it, and therefore the effect of the first floor extension on neighbouring occupants is not comparable to the appeal scheme before me. Accordingly, I do not regard this development as justification for the proposal, which I have considered on its own merits.
8. For the reasons given, I find the proposal would harm the living conditions of neighbouring occupants, in conflict with Policies LP26 and LP30 of the Redbridge Local Plan (March 2018) which seek high quality design that does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to, amongst other things, daylight/sunlight and outlook. There would also be conflict with the guidance of the Housing Design SPD.

Other Matters

9. The Council did not oppose the extension in design terms, and having noted the extension at No 12, I have no reason to conclude there would be harm to the character and appearance of the area. However, an absence of harm in this respect would be a neutral consideration weighing neither for nor against the proposal.
10. I acknowledge that the proposal would provide additional living space for the appellant's family; however, this would be a limited, personal benefit which would not outweigh the harm identified.
11. As noted above, a dormer window has been constructed which is not shown on the submitted plans. Its presence casts some doubt on how the proposed extension would be constructed, given the plans before me show the roof of the extension connecting into a hipped main roof without a dormer window. However, as my findings on the main issue point to the appeal being dismissed, I have not pursued these discrepancies further with the parties.

Conclusion

12. For the reasons set out, the appeal is dismissed.

K. Savage

INSPECTOR