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## Appeal Decision

Site visit made on 5 November 2020

**by Mark Caine BSc (Hons) MTPL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09/12/2020**

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**Appeal Ref: APP/Z5060/D/20/3249817**

**59 Melford Avenue, Barking, IG11 9HS**

- 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 Marcus against the decision of the Council of the London Borough of Barking & Dagenham.
  - The application Ref 19/01862/FUL, dated 11 December 2019, was refused by the local planning authority on 20 March 2020.
  - The development proposed is described as a 'Single storey, white UPVC double glazed conservatory with 'A' rated clear toughened glass units and a high performance glass roof built to the rear elevation of an existing 3.65m extension.'
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the residents of 61 Melford Avenue, with particular regard to light and outlook.

### Reasons

3. The appeal relates to a two storey dwelling that is located in a short row of four residential properties on the eastern side of Melford Avenue.
4. The Council's Supplementary Planning Document titled 'Residential Extensions and Alterations' 2012 (SPD) advises that 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. However, this is subject to the side wall of the conservatory that flanks a neighbouring boundary being fitted with obscure glazing or for it to be constructed in solid materials to a maximum height of 2 metres in order to allow the passage of natural light. All remaining elevations and the roof of the conservatory are also required to be glazed.
5. The overall total depth of the proposed conservatory and the existing single storey rear extension would measure approximately 6 metres. Nonetheless, the side wall of the proposed conservatory that would flank the boundary of 61 Melford Avenue would be constructed in solid materials up to the eaves level. When added to the depth of the existing rear extension it would therefore present a substantial elevation and feature along this shared boundary.

6. Unlike the majority of other residential properties on the eastern side of Melford Avenue, No 61 has not been extended to the rear. I also saw on my site visit that a ground floor rear window in this neighbouring property is positioned close to the shared boundary with the appeal site. Therefore, despite its glazed roof design, the proposal's size and scale, in combination with that of the existing rear extension, and its close proximity to No 61's nearest ground floor window would result in an undue sense of enclosure. This would significantly prejudice the level of outlook from this neighbouring window and reduce the amount of natural light to it.
7. The appellant has drawn my attention to a number of other 6 metre long single storey rear extensions on Melford Avenue that I am informed benefit from planning permission. These include the rear extension at No 63 which has a tiled pitched roof and a height of approximately 4 metres. The appellant contends that the proposal would cause less harm to the living conditions of the residents of No 61 than this extension. However, I have not been provided with the full details that led to these extensions being accepted so I cannot be sure that their circumstances are directly comparable to those which apply for this appeal. I have, in any case, determined the appeal on its own merits.
8. I therefore find that the proposed development would significantly harm the living conditions of the residents of 61 Melford Avenue, with particular regard to light and outlook. As such it conflicts with Policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011) and advice contained within the SPD. Amongst other things, these seek to protect and maintain residential amenity.
9. For the reasons given above, the appeal is therefore dismissed.

*Mark Caine*

INSPECTOR