



Appeal Decision

Site visit made on 8 December 2020

By J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/12/2020

Appeal Ref: APP/Z5060/D/20/3258436

45 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 T Chambers against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/00535/FUL, dated 17 April 2020, was refused by notice dated 5 June 2020.
 - The development proposed is Single Storey Rear Extension and Demolition of Garden Shed.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refer to several policies within the Draft Local Plan (Regulation 18 Consultation Version, November 2019). However, as the Draft Local Plan may be subject to further change, I only attach limited weight to these policies

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling, the wider terrace and the surrounding area;
 - The effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular reference to outlook and daylight.

Reasons

Character and appearance

4. The appeal property is mid terrace dwelling, located in a row of dwellings of a similar design and appearance.
5. The proposed single storey extension would have an overall depth of about 9.45 metres. The height of the extension when measured above natural ground level would step down such that the rear 3.31 metre section would be at a lower level, being cut into the ground.
6. The depth of the extension would significantly exceed the Council's guidance set out in The Residential Extensions and Alterations Supplementary Planning

Document (February 2012) (SPD) which states single storey rear extensions should not normally exceed 3.65metres in depth. It further states that in exceptional circumstances, when an extension has a greater depth, that part of the extension which exceeds 3.65m must be within a 45 degree angle as measured from the corner of adjacent dwellings. Whilst the SPD is for guidance purposes only, it does nonetheless provide a useful indication of the type of extension which would be appropriate in most circumstances.

7. I acknowledge that several other dwellings within the same terrace and adjoining terraces have been extended to the rear and some of these extensions are of significant depth. Indeed, the adjacent dwelling, 47 Melford Avenue has a deep single storey extension to the rear. Whilst I have no information regarding the planning history of these extensions, they do form part of the context of the appeal site.
8. However, the proposed rear extension to No 45 would significantly exceed the depth of the other extensions in the vicinity of the appeal site and would extend beyond the existing extension to No 47 by a further 3.31m or so. The proposed rear extension would approximately double the footprint of the existing dwelling and would constitute an unsympathetic addition that is disproportionately large in relation to the host dwelling and other dwellings within the same terrace. Whilst I note that the rear section of the extension would be lowered into the ground, this does not lessen my concerns regarding the overall impact on the character and appearance of the host dwelling, the terrace and the surrounding area.
9. In conclusion on this issue, the proposed development would have a harmful effect on the character and appearance of the host dwelling, the wider terrace and the surrounding area in conflict with Policies 7.1, 7.4 and 7.6 of the London Plan (2016), Policy D4 of the Draft London Plan Intend to Publish (2019), Policy CP3 of the LDF Core Strategy (July 2010) (CS) and Policies BP8 and BP11 of the LDF Borough Wide Development Plan Policies DPD (March 2011) (DPD) which collectively require development to be of a high quality design and to respect existing character. These policies are consistent with Chapter 12 of the National Planning Policy Framework (the Framework) in seeking high quality development.

Living conditions

10. The proposed single storey extension would extend across the full width of the dwelling and would abut the side boundaries of the site.
11. In respect of 43 Melford Avenue, the part of the extension closest to the dwellinghouse would have a height of about 2.5 metres at the point where it meets the side boundary with No 43. The mono-pitched roof of the extension would slope up away from the boundary with No 43, to a height of about 3 metres at the point where it adjoins 47 Melford Avenue.
12. There is a wide glazed opening on the main rear elevation of No 43 which is close to the boundary with the appeal site. A pair of glazed patio doors on the side elevation of an existing extension to No 43 also face the appeal site. The proposed extension would be considerably higher than the existing boundary wall and fence which currently varies in height.

13. The part of the proposed extension closest to the living accommodation at 43 Melford Avenue would have a depth of about 6.1 metres, with a further section of around 3.31 metres lowered into the ground. The combination of the height and depth of the proposed extension and its siting along the boundary with No 43, would give rise to an unacceptable sense of enclosure and loss of outlook. Furthermore, whilst I have not been provided with a daylight / sunlight report, the amount of light received by ground floor windows on the main rear elevation and on the side elevation of the extension to 43 Melford Avenue, would likely to be reduced as a result of the proposal. This would further materially harm the living conditions of the occupiers of No 43.
14. The section of the proposed extension at natural ground level would be adjacent to an existing extension to 47 Melford Avenue and accordingly would not materially affect the living conditions of the occupiers of that property. The rear section of the proposed extension would extend beyond the rear elevation of No 47 and would be lowered into the ground so that it would not be readily visible above the boundary fence. Accordingly, the proposal would not have a significant harmful effect on the living conditions of the occupiers of 47 Melford Avenue with reference to outlook and daylight.
15. In conclusion on this issue, I find that the proposed development would have a harmful effect on the living conditions of the occupiers of 43 Melford Avenue with particular reference to outlook and daylight. The proposal would conflict with Policy BP8 and BP11 of the DPD which (among other things) require that development maintains residential amenity and does not lead to significant overshadowing. The proposal would also conflict with Policy 7.6 of The London Plan (March 2016) and the Framework insofar as they seek a high standard of amenity for existing users.
16. Whilst the Council has also referred to Policy CP3 of the CS together with Policies 7.1 and 7.4 The London Plan (2016), and Policy D4 of the Draft London Plan Intend to Publish (2019) these are design and architectural based policies which are not directly relevant to this particular issue.

Other matters

17. A lawful development certificate (LDC) was granted on appeal¹ in respect of a proposed development of a swimming pool and gymnasium building for use incidental to the enjoyment of the dwellinghouse ('the LDC building'). The appellant considers this to be a fallback, should the appeal be dismissed.
18. The building which was the subject of the LDC was a detached, flat roof building, sited between about 1.1 – 1.2 metres from the main rear elevation of the dwelling. Plans submitted with the LDC show the building to be 2.5m high, with a depth of 9.427m. Floorplans show that its use would be for a swimming pool and gymnasium.
19. There are however significant differences between the LDC building and the proposed extension. In particular, the LDC related to an outbuilding that would be physically separated from the main dwelling whilst the appeal proposal is for an extension to the dwelling and hence a different form of development. Furthermore, the LDC building was shown to be for leisure facilities (i.e. swimming pool and gymnasium) for use incidental to the enjoyment of the

¹ Appeal Ref. APP/Z5060/X/18/3206508

dwellinghouse whereas the proposed extension also includes uses that are more integral to the dwellinghouse, such as a kitchen and dining area. I acknowledge that there could be flexibility in the future use of either building, however in my view, the uses within an extension would be likely to be somewhat different to those appropriate within an outbuilding.

20. Whilst the outbuilding might be constructed should this appeal fail, I do not consider it to be viable a fallback position for the proposed extension and the accommodation it would provide. Moreover, whilst I note that the appeal proposal would not extend as deep into the rear garden of the property as the LDC building and that part of it would be lowered into the ground, in my view the LDC building would not be significantly more harmful than the appeal scheme in terms of its overall impact. Accordingly, this is a matter which I attach only little weight.

Conclusion

21. The harm that would be caused to the character and appearance of the host dwelling, the wider terrace and the surrounding area, together with the harm I have found to the living conditions of the occupiers of 43 Melford Avenue, leads me to conclude that the proposal would conflict with the development plan as a whole. There are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. For the above reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR