



Appeal Decision

Site visit made on 1 December 2020

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 05 January 2021

Appeal Ref: APP/W5780/D/20/3255110

64 Cranbrook Rise, Ilford IG1 3QH

- 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 Rajiv Vashisht against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1067/20, dated 2 April 2020, was refused by notice dated 18 May 2020.
 - The development proposed is an additional 3 metres rear extension to the existing extension to make a total of 6 metres rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the proposal on the living conditions of neighbouring occupants, with respect to light, outlook and sense of enclosure, and ii) whether any harm identified in respect of the first main issue is outweighed by the personal and health circumstances relating to the occupants of the appeal dwelling.

Reasons

Neighbours' living conditions

3. The dwelling has a single storey lean-to rear extension of around 3.4 metres in depth. A flat roofed section is proposed beyond this, increasing the total depth of the extension to 6 metres. The extension would follow the slightly angled alignment of the rear garden as it extends out from the dwelling.
4. The Council's reason for refusal refers to Policies LP26 and LP30 of the Redbridge Local Plan (March 2018) (the RLP) which seek high quality design in all development that, amongst other things, does not result in an adverse impact upon the amenity of neighbouring occupiers.
5. The Council refers to its Housing Design Supplementary Planning Document (SPD) (Sept 2019) which states that it is important that single-storey rear extensions do not dominate the host or original property or project too far into the garden, to avoid the extension being overbearing and causing a significant loss of outlook, light, or increased sense of enclosure. For terraced dwellings, the SPD indicates a maximum depth of 3.5 metres for rear extensions.
6. At 6 metres, the proposed extension would clearly exceed the SPD threshold by a significant distance. Neither of the adjoining dwellings have comparable

- extensions, with only shallow, bay window projections to the rear. The proposed extension would angle towards the neighbouring property to the northern side, No 66, the occupant of which has objected to the proposal. I saw on site that the added depth would serve to enclose the garden area closest to the neighbouring dwelling which occupants are likely to use most frequently. Outlook from the rear garden, and ground floor windows, would be significantly impeded by the 6 metre depth of wall on the boundary which would be visible above the existing timber fence. Given the position of the extension to the east/south-east of the rear elevation of No 66, it would also lead to increased overshadowing of the neighbouring property, to the detriment of its occupants' living conditions. However, there would be no windows facing No 66 and so there would not be a demonstrable loss of privacy for neighbouring occupants.
7. On the opposite side, No 62 has a patio area to the rear, next to the side wall of the existing extension. Although the extended wall would continue to angle slightly away from No 62, it would still form a substantial, solid structure which would increase the sense of enclosure and dominate the outlook from the patio and rear ground floor windows. For the same reasons as No 66, I do not find a loss of privacy would occur to occupants of No 62, and given No 62 lies to the south of the appeal site, no material loss of sunlight or increased shadowing would result from the proposal.
 8. The appellant points to a number of examples of 6 metre rear extensions within the surrounding area. Each of these appears to have been an application for prior approval in respect of potential permitted development, which follows a different process whereby an assessment of the impact of the proposal on the amenity of any adjoining premises can only be made where an objection is received from an owner or occupier of any adjoining premises. The evidence before me does not indicate whether the Council was able to consider the amenity of adjoining premises in any of these cases. I acknowledge that some extensions of potentially similar depth may exist nearby, but the assessment of the effect on neighbours' living conditions is inevitably a site specific one, and the evidence before me is not detailed enough to establish whether the site circumstances in these other cases are comparable to the present appeal. Therefore, I do not regard these examples as establishing a precedent for the proposal before me, which I have considered on its own merits.
 9. Similarly, an appeal decision (APP/W5780/D/19/3227386) is referenced, but not provided to me. In any case, the appellant indicates that the main issue in that case was the effect on the character and appearance of the area, and so it is not relevant to the main issue before me.
 10. For the reasons set out above, I conclude on this main issue that the proposal would cause significant harm to the living conditions of neighbouring occupants in respect of outlook, increased sense of enclosure and, in the case of No 66, increased shadowing. This would result in conflict with the aforementioned aims of Policies LP26 and LP30 of the RLP, and with the aims of the National Planning Policy Framework (the Framework) which seeks a high standard of amenity in developments for all existing and future users.

Personal circumstances and planning balance

11. I have taken into account the evidence put to me regarding the personal health circumstances of a family member and the argued need to provide additional accommodation at ground floor level. Due to existing health conditions, the

appellant's mother would benefit from having improved bathroom and bedroom accommodation on the ground floor.

12. Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health conditions in this case. However, on the evidence before me, I am satisfied that the proposal would be of benefit for both the appellant and his mother and that it would lead to both improved living conditions and a more independent form of living for the appellant's mother. These are personal circumstances to which I afford weight in favour of the appeal.
13. In weighing the personal circumstances in the balance, this has to be considered against the significant effect that the proposal would have upon the living conditions of the existing and future occupants of the adjoining properties. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
14. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the existing and future living conditions of the occupants of the neighbouring properties can be reasonably safeguarded. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's (including his mother's) human rights. Therefore, whilst I acknowledge the personal circumstances of the appellant and his mother, I conclude that these are not matters which outweigh the harm, which would be permanent, that would be caused by the proposal in respect of neighbours' living conditions.

Other Matter

15. The appellant argues that the site is under-utilised, referring to guidance of the Framework relating to the effective use of land to meet housing needs. However, the proposal would not deliver additional housing and the referenced paragraphs of the Framework are not directly applicable to a proposal for an extension. Moreover, the site is not under-utilised as it is already being put to effective use as a dwelling which has benefitted from rear and roof extensions, and a large outbuilding in the rear garden. The addition of further built form would result in the identified harm to neighbours' living conditions, indicating the proposal would not be an effective use of the land. As such, this matter does not alter my overall conclusions on the main issues.

Conclusion

16. For the reasons set out above, the appeal is dismissed.

K. Savage

INSPECTOR