



Appeal Decision

Site visit made on 18 June 2021

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2021

Appeal Ref: APP/Z5060/D/21/3270009

8 Eleanor Gardens, Dagenham, RM8 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Waheed Shah against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/00091/PRIEXT dated 18 January 2021, was refused by notice dated 26 February 2021.
 - The development proposed is described as 'Build an extension to the rear of the property, single storey in the back garden, no more than 5 metres long and under 6 metres wide within the boundary of the property, height will be no more than 3 metres in height with a pitched tiled roof (within the government building rules allowed). Extension will be made to accommodate a toilet and walk-in shower/wet room to the side partitioned off within the extension due to my ill health (heart patient) as I sometimes struggle to walk up the stairs, when in pain and get breathlessness.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the GPDO, under Article 3 (1) and Schedule 2, Part 1, Class A, Paragraph A.4 (7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. I have determined the appeal on the same basis.
 3. The description of development above is taken from the application form. In the decision notice, the Council describes the development as a 'Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 5.00 metres. The maximum height of the proposed extension from the natural ground level is 3.00 metres. The height at eaves level of the proposed extension measured from the natural ground level is 2.50 metres.'
 4. During my site visit I observed that the proposed development the subject of this appeal appeared to be part-built.
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Main Issue

5. The main issue in this case is the effect of the proposed development on the amenity of the occupiers of Nos 7 and 9 Eleanor Gardens.

Reasons

6. The appeal property is a two storey mid-terrace dwelling located within a residential area.
7. Like other dwellings in this short row of dwellings, the appeal property is set back from the road behind a front garden and it has a long garden to the rear.
8. The proposed development would extend across the full width of the original dwelling and project some 6 metres to the rear. Whilst I observed during my site visit that tall fencing to either side of the appeal property's rear garden provides for privacy, the proposed development would extend to a height considerably above that of the fence.
9. I also noted during my site visit that neither of the adjoining neighbours to each side of the appeal property, Nos 7 and 9 Eleanor Gardens, have any significant extensions to the rear close to the appeal property. Consequently, the proposed development would dominate the outlook from the rear of both of these dwellings as it would appear as a tall, blank wall that would project immediately alongside the shared rear boundaries between Nos 7 and 8 and between Nos 8 and 9, for some considerable distance.
10. Resultantly, I find that the combined effect of the height, projection and immediate proximity of the proposed development would lead the proposal to appear unduly dominant, to an overbearing degree, when seen from the rear of both Nos 7 and 9 Eleanor Gardens.
11. Further, the harm arising from this would be exacerbated as a result of the proposal being located to the south of No 9's rear patio area. I find that this, together with the height, immediate proximity and overall scale of the proposal would inevitably lead to a reduction in the amount of daylight received by this area and there is no substantive evidence before me to the contrary.
12. For these reasons, the proposal would cause unacceptable harm to the amenity of the occupiers of Nos 7 and 9 Eleanor Gardens.

Other Matters

13. The Council's officer's report stated that the proposed development would harm the privacy of neighbouring occupiers. However, there is nothing to demonstrate that this would be the case.
14. I note that the proposed development would bring about positive health and wellbeing benefits. However, whilst this is something that stands in its favour, it does not overcome the harm identified and hence the conclusion below.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed

N McGurk

INSPECTOR