

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/21/3268384
98 Westrow Drive, Barking, IG11 9BN

- 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 Ahmed Kambiz Raofi against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 20/02038/HSE dated 14 October 2020, was refused by notice dated 7 December 2020.
 - The development proposed is a retrospective application for a rear patio.
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Decision

1. The appeal is allowed and planning permission is granted for a retrospective application for a rear patio at 98 Westrow Drive, Barking, IG11 9BN in accordance with the terms of the application Ref 20/02038/HSE dated 14 October 2020 and in accordance with the following conditions:
 - 1) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: W4-01; W4-02; W4-03; and W4-04.

Procedural Matters

2. The development the subject of this appeal has already taken place.
3. The appeal property is subject to an enforcement investigation¹ in relation to unauthorised works.

Main Issues

4. The main issues in this case are the effect of the development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to privacy.

¹ Reference: 19/00345/NOPERM.

Reasons

Character and appearance

5. The appeal property is a two storey end of terrace dwelling that has been extended to the side and rear. Immediately beyond the rear extension is a raised patio, which extends across the width of the rear garden. The patio then steps down to a lower garden area. The patio is the subject of this appeal.
6. The appeal property is located in a residential area, largely characterised by the presence of two storey terraced dwellings. Dwellings are set back from the road behind short gardens and/or parking areas. The appeal property, like other dwellings along the same side of Westrow Drive, has a long garden to the rear.
7. During my site visit, I observed that many dwellings along Westrow Drive have been altered and/or extended. Visible changes include extensions to the sides, to the roofs and to the rear of dwellings. This affords the area a sense of change and of ongoing investment into properties.
8. Further, whilst the built-up and altered/extended appearance of dwellings along Westrow Drive affords the area a high density character, the long gardens to the rear, which themselves appear to fall away towards open parkland beyond, provides for a strong sense of openness, spaciousness and greenery.
9. During my site visit, I noted that the extensions and alterations to the appeal property all combine to result in a neat, modern and attractively refurbished and extended dwelling. The patio the subject of this appeal has clearly been designed to tie-in with other changes to the house and garden and as such, forms part of a visually satisfying whole.
10. The patio does not, in any way, appear “disproportionately high in comparison to the remaining garden” as suggested by the Council and nor does it appear out of place. Rather, it sits proportionately and very comfortably to the rear of the altered dwelling within a wider area partly characterised by ongoing change. The sensitively selected materials and the patio’s position between the rear extension and the lower level of the garden, reached by a couple of steps, results in a sympathetic development which appears entirely in keeping with the host property and serves to significantly enhance its appearance to the rear.
11. The Council notes that the patio is not visible from Westrow Drive and taking this and the above into account, I find that the development does not harm the character and appearance of the area and is not contrary to the National Planning Policy Framework; to London Plan (2016) Policies 7.1, 7.4, 7.5 and 7.6; to DPD² policy BP11; to Core Strategy³ policy CP3; or to the Council’s Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, protect local character.

Living Conditions

12. During my site visit, I observed that there is a solid fence to either side of the patio. At less than 2 metres in height, the fence does not appear especially tall, but it serves to provide for significant levels of privacy between the appeal

² Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

³ Barking and Dagenham Core Strategy (2010).

property and neighbouring dwellings to either side. The fence prevents direct overlooking into the rear gardens of Nos 96 and 100 Westrow Drive, to either side of the appeal property.

13. Whilst the Council states that the development the subject of this appeal “will allow for overlooking into the ground floor rear windows” of adjoining properties, I noted during my site visit that, due to the positioning of the patio and the fences to either side of it, this is not the case.

14. Taking the above into account, I find that the development does not harm the living conditions of neighbouring occupiers with regards to privacy. The development is not contrary to the National Planning Policy Framework; to London Plan (2016) Policies 7.1, 7.4, and 7.6; to DPD⁴ policy BP8; to Core Strategy⁵ policy CP3; or to the Council’s Residential Extensions and Alterations Supplementary Planning Document (2012), which together amongst other things, protect residential amenity.

Conditions

15. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition controlling external finishes is necessary in the interests of local character.

Conclusion

16. For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

⁴ Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011).

⁵ Barking and Dagenham Core Strategy (2010).