



Appeal Decisions

Site visit made on 15 September 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal A Ref: APP/Z5060/D/21/3274594

34 Movers Lane, Barking, London, IG11 7UL

- 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 Buta Singh against the decision of the Council of the London Borough of Barking and Dagenham.
- The application Ref 21/00437/HSE, dated 4 March 2021, was refused by notice dated 26 April 2021.
- The development proposed is a first floor rear extension with pitch roof.

Appeal B Ref: APP/Z5060/D/21/3280556

34 Movers Lane, Barking, London, IG11 7UL

- 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 Buta Singh against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/00847/HSE, dated 11 May 2021, was refused by notice dated 8 June 2021.
 - The development proposed is described as 'a first floor rear extension with mansard roof'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for a first floor rear extension with gambrel roof at 34 Movers Lane, Barking, London, IG11 7UL in accordance with the terms of the application, Ref 21/00847/HSE, dated 11 May 2021, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A02, A03, A05, A06.
 - 3) 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.
 - 4) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes B and C in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the Local Planning Authority.

Main Issues

3. The main issues in the appeals are the effect of the proposed development on:-
- the character and appearance of the dwelling and the area;
 - the living conditions of the neighbouring occupiers at 32 and 36 Movers Lane.

Reasons

Character and appearance

4. The appeal site comprises a mid-terrace property in a terrace of similar properties which have wide double fronted elevations and a distinctive gambrel roof. Although no 34 has a slight front extension with a gambrel roof, on the rear elevation the terrace has a uniform roof slope. It has already been extended to the rear at ground floor level under a previous planning permission.
5. The proposed schemes are similar in terms of their siting, size and scale. The proposed first floor extension would extend across the central part of the existing ground floor extension on the rear elevation.
6. The schemes differ in their roof design. Appeal A has a pitched roof design. Although the proposal in Appeal B is described in the application as a mansard roof, it would have a vertical gable end in the style of a gambrel roof. I have therefore considered it as a gambrel roof in this appeal.
7. The Council's guidance in its 'Residential Extensions and Alterations SPD' (2012) seeks to ensure that roof treatment reflects the character of the original dwelling. The pitched roof design of Appeal A would not reflect character of the main gambrel roof and would be at odds with the terrace, resulting in significant harm to the character and appearance of the area.
8. Although I saw no other such extensions in this terrace, the proposed gambrel roof in Appeal B would reflect the form of the main roof of the dwelling and would not be dissimilar to that approved under appeal ref APP/Z5060/D/20/3251417 for a very similar property nearby at 39 Greatfields Road which also extended over a ground floor rear extension. As such, it would not harm the character or appearance of the dwelling or the area.
9. Accordingly, whilst Appeal A would be contrary to the most relevant development plan policies BP8 and BP11 of the Council's Borough Wide Development Plan Policies Development Plan Document (DPD) (2011) which together require that development is of a high quality design that respects existing character, Appeal B would accord with those policies.

Living conditions

10. The Council's SPD also seeks to ensure that no part of such extensions extends beyond a 45° angle from the corner of the adjoining property.
11. In both schemes, the proposed first floor extension would breach the 45° line very slightly when taken from the corner of the adjoining properties at first floor level. However, given its position in the central part of the elevation and its distance from the habitable room windows of those properties which are set in from the side boundaries, any loss of daylight or outlook or any overshadowing or overbearing to the first floor habitable rooms of those

properties would be very minimal and would not cause significant harm to the living conditions of the neighbouring occupiers.

12. I conclude, therefore, that the proposals in both appeals would accord in this respect with the most relevant development plan policies BP8 and BP11 of the DPD (2011) which seek to protect residential amenity.

Conditions

13. In regard to Appeal B only, in addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition requiring matching external materials is necessary in the interests of the character and appearance of the dwelling and the area. A condition restricting permitted development rights for alterations to the roof is necessary to restrict any dormer windows or rooflights in the interests of neighbouring amenity. I have altered the description of the development in the formal decision to the more accurate description of a gambrel roof.

Conclusion

14. For the reasons given above, Appeal A should be dismissed and Appeal B should be allowed.

Sarah Colebourne

Inspector