



Appeal Decision

Site visit made on 8th October 2021

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 01 November 2021.

Appeal Ref: APP/Z5060/D/21/3270725

4 Edward Road, Chadwell Heath RM6 6UH

- 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).
 - The appeal is made by Mr Mehmood Khushi against the decision of the London Borough of Barking and Dagenham.
 - The application ref:20/02319/PRIEXT, dated 24 November 2020, was refused by notice dated 22 December 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), 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. My determination of this appeal has been made on the same basis. The main issue is therefore the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook and light.

Reasons

3. The appeal property is a terraced house which is situated on the northern side of Edward Road. The neighbouring terraced house to the east is no.2 Edward Road and the terraced house to the west is no.6. Each house has a north-facing small garden. The garden of 1 Alexandra Road adjoins the appeal property to the north.
4. The appeal property has a full width single storey rear extension with overhanging eaves to its front, and a garden room at the northern end of the garden. The prior notification application was for the construction of an extension which would extend beyond the rear wall of the main dwellinghouse by 6 metres with a maximum height from the natural ground level of 3 metres.

The height at eaves level measured from the natural ground would be 2.9 metres. The eastern wall of the proposed extension would be along the common boundary with no.2 and would extend 3.650 metres in depth. The western wall would be along the common boundary with no.6 and would be 6 metres in depth.

5. No.6 Edward Road has an existing small rear single storey extension along the common boundary with the appeal property which is less than 3 metres in depth and less than half the width of the width of the main rear elevation of no.6.
6. No.2 Edward Road has a full width single storey rear extension which is (at least) less than 3.6 metres in depth. Along the common boundary with no.2 is a close-boarded fence. There is similar boundary treatment along the common boundary with no.6 but with copious vegetation growing over it.
7. In respect of no.6, the western wall of the proposed extension would be visible above the boundary treatment for a significant depth beyond the existing rear addition at no.6. It would dominate the outlook from the ground floor windows/doors and from the garden. It would create an unacceptable sense of enclosure for the occupants when in their ground floor rooms or in their garden. This impact would be exacerbated by the small garden at no.6 which would not give the occupants of no.6 space to obtain relief from the impacts of the western wall of the proposed extension.
8. In addition, the garden of no.6 is north-facing and I consider that the depth and height of the western wall of the proposal would result in an unacceptable loss of daylight and a partial loss of any sunlight that it would typically enjoy.
9. In respect of impacts of the proposal on the occupants of no.2 Edward Road, I consider their amenity would not be unduly harmed given the depth of the existing single storey rear extension at that property and given that the proposal's eastern wall would not extend significantly beyond it. The separation distance between the appeal proposal and the garden of no.1 Alexandra Road is sufficient to rule out any harm to the amenities of the occupants of that property.
10. I conclude therefore that the proposal would result in unacceptable living conditions for the occupants of no.6 Edward Road by reason of loss of outlook and light.

Conclusion

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

Megan Thomas Q.C.

INSPECTOR