



Appeal Decision

Site visit made on 29 November 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2021

Appeal Ref: APP/Z5060/D/21/3282634

16 Downing Road, Dagenham RM9 6NR

- 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 Arafath Rahman against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01268/HSE, dated 05 July 2021, was refused by notice dated 12 August 2021.
 - The development proposed is 'Construction of a two storey rear extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.
3. The latest iteration of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The Council's decision notice referred to the previous 2019 iteration, despite the decision being dated 12 August 2021. In respect of the main issues for this appeal, I am satisfied that the equivalent policies in the latest iteration have broadly the same approach as the previous iteration, and they do not alter my conclusions on the matter in any case.

Main Issues

4. The main issues are:
 - The effect of the proposal on the living conditions of occupiers of adjoining dwellings; and,
 - The effect of the proposal on the character and appearance of the host dwelling, host terrace and surrounding area.

Reasons

Living Conditions

5. The appeal site is a mid-terrace dwelling. The neighbouring dwellings on either side have ground floor rear extensions with parapet walls to the boundary. The appeal site is also very slightly recessed to the rear, so as the neighbouring dwellings project by a modest amount. The existing appeal site is not extended. Both the appeal site and the neighbouring properties have bedroom

windows situated within the rear elevation. The grain of development is tight within the terrace, creating a close relationship between the boundaries and rear elevational windows of each of the properties.

6. The appeal scheme seeks a two-storey rear extension which would have little inset from either side boundary and would span almost the full width of the rear elevation. The extension would have a depth of almost three metres.
7. Despite the existing ground floor rear extensions to the neighbouring properties and the very modest projection of the rear elevations, the proposed extension would have an overbearing impact on the living conditions of the occupiers of neighbouring properties and would adversely affect the outlook from those properties. This overbearing impact and loss of outlook would arise as a result of the overall height and mass of the proposal combined with its siting close to the boundaries and rear elevation windows of the neighbouring properties.
8. For the same reasons, the appeal scheme also has potential to affect the level of daylight and sunlight which reaches the windows within the rear elevation of the neighbouring properties by way of shadowing. The significance in the reduction of light would likely be sporadic and somewhat mitigated by the otherwise open aspect of the rear of the terrace, and the windows appear to serve bedrooms which are unlikely to be occupied for significant periods of time during the daytime. Nonetheless, the appeal scheme would erode the quality of living conditions for occupiers of neighbouring property in this respect.
9. The Residential Extensions and Alterations Supplementary Planning Document (SPD), published February 2012, advises that extensions which intervene in a 45-degree angle taken from the corner of a neighbouring property are likely to have an adverse effect on the living conditions of neighbouring occupiers. Generally, such guidance relates to likely loss of daylight and sunlight. The main parties to the appeal disagree as to how this 45-degree line is to be drawn. Whilst a 45-degree line concept provides helpful guidance, I have assessed the proposal on its individual merits and built context.
10. For the reasons outlined above, the appeal scheme would have an unacceptable adverse on the living conditions of neighbouring property, contrary to policy D4 of the London Plan (LP 2021), adopted 2021, policy CP3 of the Local Development Framework Core Strategy (CS), adopted 2010 and policies BP8 and BP11 of the Local Development Framework Borough Wide Development Plan Policies DPD (BWDP), adopted 2011, as well as the Framework. These policies seek, amongst other things, development which is of a high-quality design which maintains residential amenity.

Character and appearance

11. The proposed extension would be substantial in the context of the overall scale of the host dwelling and the size of its plot. It would dominate the rear elevation and would not integrate well with the host dwelling or terrace.
12. As the appeal site is surrounded by built form and the proposed extension would be situated to the rear of the host terrace, it would have little impact on the character and appearance of the area from a visual perspective.
13. The appeal site is situated within the predominantly residential Becontree Estate in Dagenham. The Becontree Estate is not subject to any landscape or

heritage designations. It is an extensive area predominantly built between 1921 to 1934 as part of the Homes for Heroes initiative following the First World War, though the area has experienced some change and it incorporates some modern development. The Council considers the Becontree Estate to be a non-designated heritage asset, with a degree of historic significance which arises from the retained authenticity of the area in relation to its spaciousness, regularity of pattern of built form and homogeneity of design.

14. The substantial rear extension would create a more densely developed plot, however, the development would be contained to the rear and would not encroach into any open gaps. As such, the proposal would not erode the planned estate pattern of the Becontree Estate.
15. For these reasons, I conclude the proposal would not cause harm to the character and appearance of the wider area, however, it would be a dominant and incongruous feature on the host terrace and host dwelling. Therefore, the proposal is contrary to policy D4 of the LP 2021, policies CP2 and CP3 of the CS, and policies BP2, BP8 and BP11 of the BWDP, adopted 2011. These policies seek, amongst other things, development of a good design which appreciates the character of its surroundings.

Conclusions

16. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan and no material considerations indicate that the appeal should be determined other than in accordance with the Development Plan. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR