



Appeal Decision

Site visit made on 21 February 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 MARCH 2022

Appeal Ref: APP/Z5060/D/21/3287600

5 West Road, Chadwell Heath RM6 6YA

- 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 Mrs Donna Davis against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01804/HSE, dated 30 September 2021, was refused by notice dated 26 October 2021.
 - The development is for a conservatory to rear of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The conservatory has been substantially erected and therefore I am considering this appeal retrospectively.
3. The Council has an enforcement case reference 21/00308/ENF regarding the alleged use of the appeal site as a church. This is a separate matter and is not before me as part of the current appeal.
4. The Council are currently in the process of producing a new Local Plan, which is yet to be independently examined. At this stage, I afford it limited weight in my decision making and it does not alter my findings.

Main Issues

5. The main issues are:
 - the effect of the development on the living conditions of the neighbouring residents of 3 West Road, with particular reference to outlook and light.
 - the effect of the development on the character and appearance of the existing dwelling and surrounding area.

Reasons

Living Conditions

6. 5 West Road sits within a local streetscape of similar age semi-detached properties finished primarily in render under hipped tiled roofs. No 5 follows this theme and forms one half of a semi-detached pair with 3 West Road.

7. No 5 has been extended to the rear and the development is for a conservatory adjoining the existing rear extension. The conservatory has been finished in glazing, white uPVC and render, although the render has not been fully completed and blockwork is visible from the elevation facing No 3.
8. The development is orientated to the south of No 3. At No 3, a window which serves a kitchen diner lies close to the shared boundary and this is the main outlook from this window. The conservatory extends a significant distance into the rear garden, very close to this shared boundary. Although single storey with a flat roof, the development is visible over the fence and the existing sporadic vegetation does not mitigate this impact. The conservatory, in combination with the existing dwelling, therefore, results in an unduly proximate and enclosing relationship when perceived from within the kitchen diner of No 3 and the garden area of No 3. Additionally, the orientation, proximity, depth and height of the development also results in a harmful loss of light to No 3's garden and the window of the kitchen diner.
9. Other examples of development elsewhere have been brought to my attention. From the limited information provided, these appear to be different to the appeal before me. Furthermore, I have not been provided with the details surrounding these other cases. Consequently, none of these examples alter my findings above.
10. The appellant refers to a right of light survey which has been undertaken, however, the appellant's statement makes no further analysis of the findings of this survey and the survey has not been provided with the appeal. The Council have also not referred to this survey in their evidence, this therefore has no bearing on my findings. Additionally, the proposal adds more useable floorspace to the property and I also consider that there would be no material overlooking arising from the development. However, the absence of harm here does not outweigh the harm identified above.
11. For the foregoing reasons, I conclude that the proposed extension has an unneighbourly and harmful effect upon the living conditions of the neighbouring residents of 3 West Road with particular reference to outlook and light. The proposal is therefore contrary to the relevant provisions of Policies BP8 and BP11 of the Planning for the future of Barking and Dagenham Borough Wide Development Policies 2011 (BWDP), the Residential Extensions and Alterations Supplementary Planning Document 2012 (the SPD), Policies DMD1 and DMD6 of the Draft Local Plan and paragraph 130 of the National Planning Policy Framework (the Framework) These, amongst other things, address the need for high quality housing design and to respect the living conditions of neighbouring occupiers.

Character and appearance

12. The conservatory adjoins an existing extension to the rear and the cumulative depth is generous. Section e of paragraph 5.3.2 of the SPD states that where a conservatory is proposed in addition to an extension, a maximum depth of 6 metres as measured from the original rear wall of the house will be allowed. The development extends beyond these limits. However, this in itself does not generate harm and the SPD acknowledges at paragraph 5.3.1 that rear extensions have a much reduced impact upon the street scene rather than front or side extensions.

13. While there may not be any similar examples elsewhere and the development enlarges the property to the rear, it has limited, if any, visual impact from public vantage points. Therefore, any technical breach of the limits set in the SPD are outweighed by the absence of any demonstrable harm in respect to character and appearance.
14. The site does not fall within a conservation area, however, it does sit within the Becontree Estate which is referenced as having heritage value. Nevertheless, given the very limited visual presence from public vantage points and the absence of character or appearance harm as set out above, I consider that the historic environment and local distinctiveness of the Becontree Estate would be retained in this instance.
15. While the render has not been fully completed to all elevations, if I had found this development acceptable in all other regards, a condition could be imposed to ensure its finish matched the existing building. Landscaping conditions could also be imposed to improve biodiversity. However, these matters do not outweigh the harm I have identified above.
16. The proposed development therefore does not harm the character and appearance of the existing dwelling and surrounding area. Accordingly, I find no conflict with the relevant provisions of Policy CP3 of the Planning for the Future of Barking and Dagenham Core Strategy 2010, Policies BP8 and BP11 of the BWDP, Policies D1 and D4 of the London Plan 2021, the SPD, Policies SP2, DMD1 and DMD6 of the Draft Local Plan and paragraphs 130 and 134 of the Framework which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.

Conclusion

17. I have found no harm in respect of the impact upon character and appearance. Nevertheless, clear harm arises in respect of its impacts upon the living conditions of neighbouring occupiers in conflict with the relevant provisions of the development plan. For the above reasons, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

N Praine

INSPECTOR