



Appeal Decision

Site visit made on 22 April 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/W5780/D/21/3288473

16 Mornington Avenue, Cranbrook, Ilford, IG1 3QT

- 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 Liladhar Kanzaria against the decision of the London Borough of Redbridge Council.
 - The application Ref 3714/21 dated 29 August 2021, was refused by notice dated 19 October 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal upon neighbouring amenity with regard to visual intrusion, loss of light and outlook.

Reasons

3. The appeal site is a two storey end of terrace dwelling (end of a row of four) within a residential area. The site currently benefits from an existing single storey extension and glazed structure to the rear. Whilst not included within the description I note that the proposal would result in demolition of this existing rear extension and would essentially be a (larger) replacement single storey rear extension.
4. From the information before me I can see that the site has been the subject of numerous prior approval applications for a single storey extension. The Council's submission confirms that approval (1927/20) was granted for an L shaped single storey rear extension would result in a depth of 3 metres on the boundary with 14 Mornington Avenue (which is the attached neighbour) and 6 metres on the boundary of 18 Mornington Avenue (detached boundary). Whilst I do not have the documents of this permission before me this is not disputed by any parties and is further confirmed within comments from neighbouring occupiers. The submissions before me reference two previous planning appeals, however, I have no further information before me other than some paraphrasing taken from the decision letters in question. I can therefore attribute limited weight to these within my decision.
5. I note from my site visit that neighbouring properties have been extended to the rear and that the properties in the area are varied, however, the refusal reason is not based upon character or appearance but that of neighbouring amenity with regard loss of light and outlook as a result of depth, height and

position. 18 Mornington Avenue has a significant rear extension. I note there is a window in the side elevation, however, it does not appear to be the only window serving the extension in question. In that regard I do not consider that the proposal would have any significant impact upon the occupiers of that property and note that the refusal reason is in any case based upon the potential impacts to the occupants of 14 Mornington Avenue (no. 14).

6. The proposal would be immediately adjacent to the attached boundary with no. 14 and would result in an extension which would be 5 metres from the rear elevation of the host dwelling. This would, in turn, result in a combined depth of 6.5m from the rear elevation of no. 14 (which does not benefit from any rear extension on this boundary) as a result of the set back from the host dwelling.
7. At the time of my site visit, and from the third party comments before me and the aerial image submitted in the appellant's statement of case, I note that no. 14 has habitable room windows close to the proposal (as well as patio doors). I find that this would result in the proposal creating a substantial and dominant feature which would significantly reduce outlook when viewed from no. 14. The appellant states that it is their understanding that there would be no overshadowing or loss of natural light, however, based upon the evidence before me I find that the enclosing nature of the proposal would likely result in impact to the light levels to the habitable windows of no. 14.
8. Whilst the host property is noted to benefit from an existing extension, I find that the combination of depth, height and positioning of the proposal would create a notable increase in massing along the shared boundary. I find that this would in turn have a serious adverse impact upon the residential amenity of the occupiers of no. 14 with regard to a loss of both light and outlook. This is given that the proposal would enclose the most usable part of the garden closest to the rear doors and extend above the existing boundary fence. I find this is well illustrated on the drawings submitted by the occupants of no. 14.
9. The proposal would be contrary to Redbridge Local Plan 2018 (LP) Policy LP26 which seeks to avoid adverse impact upon the amenity of neighbouring occupiers in relation to daylight and outlook and LP Policy LP30 which supports household extensions which avoid adverse impact on sunlight/daylight received by neighbouring properties and which is in accordance with LP Policy LP26 and respects the Council's householder design guidance.
10. The proposal would exceed the dimensions set out within the Housing Guide Supplementary Planning Document 2019 (SPD). Whilst the SPD is, of course, guidance its overarching objective is to avoid intrusive and overbearing additions and protect the amenity of neighbouring occupants. The proposal is therefore contrary to this objective for the reasons outlined above which adds to further conflict with LP Policy LP30 for the reasons outlined in the above paragraph.

Other Matters

11. I acknowledge that an objection was submitted by 14 Mornington Avenue which raised concern with regard to loss of light and overall size of the extension. I have dealt with these matters raised within that above within the main issues section of this decision letter. I note comments regarding the boundary line; however, I do not have copies of previous application

documents before me and none the less land ownership is a private matter which is outside the scope of this appeal.

12. The starting point for determination is the Local Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. The refusal reasons are based upon two LP policies against which I have assessed the proposal on its own merits. Fire Safety does not form a refusal reason. Reference to fire safety was made with regard to the policies which were used in the consideration of the application overall.
13. The appellant documents make reference to the National Planning Policy Framework (the Framework) and the London Plan as material considerations, however, the versions referred to are incorrect in that the Framework was revised in July 2021 and the London Plan 2016 has been replaced by a replacement plan (the London Plan 2021) in March 2021. Reference to the incorrect versions of the London Plan and the Framework would also appear to be a mistake on the Council's decision notice which was dated 19 October 2021.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR