



Appeal Decision

Site visit made on 5 April 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/Z5060/D/21/3283718

11 Ross Avenue, Dagenham RM8 1PU

- 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.
 - The appeal is made by Janet Wolfe against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01074/PRIEXT, dated 7 June 2021, was refused by notice dated 13 July 2021.
 - The development proposed is a ground floor rear extension with flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under paragraph A.4(7) to Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), where any owner or occupier of any adjoining premises objects to the proposed development, the local planning authority is required to assess the impact of the proposed development on the amenity of all adjoining premises. Thus, the local planning authority was correct in taking into account both the objection from the occupier of 13 Ross Avenue (No.13) and also in considering the amenity of all adjoining premises, including that of 9 Ross Avenue (No.9). My determination of this appeal has been made on the same basis.

Main Issue

3. The main issue of this appeal is the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to the loss of light, outlook and sense of enclosure.

Reasons

4. The appeal site is a two-storey dwelling which forms the end of a terrace of 6 similarly designed houses. It has been subject to a previous single storey, full width rear extension of some 3m in depth and 3m in height. The proposal would be of similar height and extend the overall depth of the dwelling by a further 3m.
5. The attached property to the south is No.9 and to the north is No.13. Neither property has been extended to the rear. No.13 is separated from the appeal site by a passageway which provides pedestrian access to the rear gardens of

- the appeal site and No.13. A fence of modest height sits between the appeal site and each neighbour's rear garden.
6. The proposed extension would be directly adjacent to the shared boundary with No.9. This neighbour's nearest ground floor window to the shared boundary appears to serve a living area. The proposed extension is to the north of this lounge window and thus would not cast a shadow. However, by virtue of its height and length, the proposed extension would result in a blank wall of some 3m in height, extending a significant length along the boundary. This would have a dominating effect, which would create a sense of enclosure and compromise light and outlook in relation to this room.
 7. In addition, it would make the part of the back garden closest to the house feel enclosed and so a significantly less pleasant space for the occupiers of No.9 to enjoy. Whilst the existing neighbour does not appear to make full use of this part of the rear garden, the occupiers may change in the future.
 8. I noted that No.9, along with other properties on this side of Ross Avenue, has a relatively deep garden, part of which would not be affected by the extension. However, this would not be sufficient to mitigate the harm described above. Given the length of the rear garden I am satisfied that the proposed extension would not cause harm to the living conditions of those neighbours in Gerald Road, to the rear of the site.
 9. No.13's nearest ground floor rear window to the proposed extension serves a kitchen. Beyond that are patio doors which appear to serve a lounge. Views of the existing extension at No.9 are somewhat oblique from these windows. The proposed extension would clearly be more evident to this neighbour from both inside the property and from the garden.
 10. However, given the existing separation distance between the two properties and that the extension would be set in from the shared boundary, any effects experienced by this neighbour would not, in my view, be significant. Accordingly, the proposed extension would not create a sense of enclosure or adversely affect light to, or outlook from, this neighbouring property.
 11. Overall, even though the development would not harm the living conditions of the occupants of No.13, the occupants of No.9 would be adversely affected by an unacceptable sense of enclosure and significant loss of light and outlook.
 12. By causing unacceptable harm to the living conditions of the existing and future occupiers of an adjoining residential property, the proposal would also be contrary to Policies BP8 and BP11 of the Barking and Dagenham Borough Wide Development Policies (2011). These policies require, amongst other things, that new development maintains residential amenity.
 13. The advice in the Supplementary Planning Guidance, 'Residential Extensions and Alterations' notes that rear extensions up to a length of 3.65m may be acceptable for terraced properties. However, the GPDO allows considerably more flexibility to extend dwellings under prior approval applications, subject to considerations of the effects on the amenity of neighbours. Accordingly, I have taken the effects on neighbours into account in my decision.

Other Matters

14. The appellant has made reference to other approvals in Ross Avenue. However, I do not have the details of those schemes before me and therefore cannot be sure that they represent a direct parallel particularly with regard to neighbour representations. In any case, I have determined the appeal on its own merits.

Conclusion

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

Stewart Glassar

INSPECTOR