



Appeal Decision

Site visit made on 26 April 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/Z5060/W/21/3280849

98 Westrow Drive, Barking, IG11 9BN

- 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 Ahmed Kambiz Raofi against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/00700/HSE, dated 16 April 2021, was refused by notice dated 8 June 2021.
 - The development is existing rear extension with existing heights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is part of a wider development of extensions to the rear and side of the dwelling. The main parties advise that planning permission has been granted¹ for that development, but the Council consider the rear extension to be higher than approved and have issued an enforcement notice. My decision relates solely to the development before me, and any action taken by the Council is a separate matter.
3. Before me I have existing plans which show the development as built, and pre-existing plans which show the dwelling prior to development. The internal layout means the development is not readily separable into rear and side elements, but I have considered the rear extension to be all those elements rear of the original rear wall of the dwelling. The element in dispute between the main parties is the single-storey rear extension.
4. The Council's second reason for refusal also refers to a raised patio beyond the rear extensions, although I note that development has since been allowed at appeal², and planning permission granted.

Main Issues

5. The main issues are the effects of the single storey rear extension on: (i) the character and appearance of the area, and (ii) living conditions of the occupiers of 96 and 100 Westrow Drive, with regard to outlook, privacy and light.

¹ 18/01932/FUL

² Appeal Ref: APP/Z5060/D/21/3268384

Reasons

Character and appearance:

6. The appeal site is an end terrace property in a group of 4 dwellings in an area where many properties have been extended, particularly those at the end of terraces. The rear single and two-storey extensions are significant additions to the existing dwelling, but are in most respects similar to a design granted planning permission by the Council. The matter for consideration for this appeal is the effect of the additional height of the single-storey rear extension.
7. The single-storey rear extension is seen from gardens either side of the appeal site and, to a limited degree, at a distance from Mayesbrook Park, a public park situated beyond its rear garden.
8. In general terms the Council have granted planning permission for the design and siting of the single-storey rear extension, but not at a height exceeding the 3m maximum height advocated in its supplementary planning guidance³. The development would not fail to reflect the character of the extended dwelling generally. However, due to its disproportionate height in relation to the adjoining dwellings, it oppressively dominates their rear elevations. From gardens either side, the single-storey rear extension would appear out of character in terms of its height and scale. Although this harm would not be readily appreciated from public views, it would be in private views from neighbouring properties.
9. Rear extensions to dwellings on Westrow Drive take a variety of forms, and some have been extensively extended. The development is not unattractive in its form and detailing, and is a smart, even if extensive, development of the existing dwelling. From public areas the increased height of the single-storey rear extension would be barely discernible, and the development would not have a detrimental impact on the terrace of which it is a part, or the character of the wider area.
10. There would therefore be harm to the character and appearance of the area and the development would conflict with Core Strategy Policy CP3, which seeks a high standard of design, and BWDP Policy BP11 which relates to the design and layout of development. It would also conflict with the relevant provisions of chapter 12 of the National Planning Policy Framework (the Framework), which seeks to achieve well-designed places, and London Borough of Barking & Dagenham draft Local Plan Policies SP2, DMD1 and DMD6, which relate to design and householder extensions. I have not found conflict with Policies D1, D4 and D8 of The London Plan (2021), which relate to growth, the process of design, and the public realm, or with draft Local Plan Policy SP4, which relates to social infrastructure.

Living Conditions:

11. The appellant and the Council agree that the single-storey rear extension as built differs from that approved by planning permission 18/01932/FUL as it is 0.7m higher, and 3.7m high as built.
12. In respect of the wider development, the two-storey side extension extends beyond the rear of the original dwelling on the southern side. It runs adjacent

³ London Borough of Barking & Dagenham Residential Extensions and Alterations SPD (2012)

to the boundary with 96 Westrow Drive, and back to the same depth as No 96's rear extension. The L-shaped single-storey rear extension extends 6m beyond the rear of the original dwelling on the northern side, and is the subject of the Council's objection. It abuts the northern boundary with 100 Westrow Drive, and wraps round the rear of the two storey extension, albeit set back from the southern boundary with No 96.

13. No 98's own rear extension reduces the visibility and effects of the two-storey extension, but the single-storey rear extension, and the upper parts of a side window, are seen from No 96 above the boundary fencing. The window is currently obscure glazed, and could be subject to a condition that it be retained as such, preventing overlooking of No 96 and its garden. The single-storey rear extension is set back away from the boundary. Nevertheless, due to its significant height, with a large section of rendered wall between the top of the window and the roof, it visually dominates the outlook from the patio and garden of No 96, to the detriment of its occupiers. Being north of No 96, and set back from the boundary, there would not be unacceptable loss of daylight.
14. No 100 is north of the appeal site and looks out onto a 6m long wall at a height of 3.7m. It is a significant presence in views from No 100 and its garden and has a significant negative impact on outlook from the house and the western part of the garden. Being south of No 100, the single-storey rear extension as built will also have a significant impact on daylight and sunlight on its northern neighbour, particularly in the winter months.
15. The higher floor level of the single-storey rear extension compared to the level of No 100's garden also means that there is intervisibility between the upper parts of its ground floor windows and No.100's garden, despite tall fencing between the two gardens. The rear door and window openings are taller than many, with additional glass above door level, with windows of a similar height and features. A mild degree of overlooking between houses and neighbouring gardens is not unusual, and despite the perception of overlooking from the tall windows, the degree of overlooking I witnessed from within the single-storey rear extension was low and of an acceptable degree. Given the separation distance between the extension and the boundary, there is also no overlooking issue from the rear elevation of the single-storey rear extension into No 96's garden.
16. In conclusion, although I have not found unacceptable harm in terms of privacy, the single-storey rear extension is harmful to the living conditions of No's 96 and 100 in terms of outlook, and in terms of light in respect of 100 Westrow Drive. The development would conflict with Borough Wide Development Policies DPD⁴ (2011) (BWDP) Policy BP8, as it relates to outlook and light. There would also be conflict with London Borough of Barking & Dagenham Core Strategy (2010) (Core Strategy) Policy CP3, which seeks a high standard of design. It would also conflict with the relevant provisions of chapter 12 of the National Planning Policy Framework (the Framework), which seeks to achieve well-designed places, and London Borough of Barking & Dagenham draft Local Plan (draft Local Plan) Policies DMD1 and DMD6 which promote high-quality design. I have not found conflict with Policies D1, D4 and D8 of The London Plan (2021), none of which relate directly to matters

⁴ Development Plan Document

associated with living conditions, or with draft Local Plan Policies SP2, SP4, which relate to design and social infrastructure.

Conclusion

17. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR