



Appeal Decision

Site visit made on 9th May 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/Z5060/D/21/3287778
101 Upney Lane, Barking IG11 9LD

- 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 Foysol Gaffor against the decision of the London Borough of Barking & Dagenham.
 - The application Ref 21/01599/HSE dated 26 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is Construction of a part two storey part single rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development from "double storey rear extension" to "construction of a part two storey part single rear extension." This description is more precise than that given on the application form.
3. At the time of my site I was able to see that the development has commenced in part, with the ground floor being substantially complete. At the time of my site visit a flat-roofed element to the first floor, and a dormer window roof extension had also been substantially completed.
4. I have been supplied with the planning history for the appeal property, including development deemed by the Council to have prior approval (reference 21/00835/PRIEXT) for a single storey rear extension (6m from the rear wall and 3m high to the eaves); and a certificate of lawful proposed development was issued for the construction of a hip-to-gable roof extension to accommodate a rear dormer extension including three roof lights to the front to facilitate conversion of roof space into habitable accommodation and conversion of garage into habitable accommodation including alterations to the front elevation (reference 21/00793/CLUP). These decisions include the ground floor rear and dormer roof extension and there is no dispute between the parties that these elements do not already benefit from prior approval or permitted development rights.
5. The Council confirms that this appeal proposal differs from the previously refused scheme (21/01157/HSE) predominantly in respect of the width of the first floor element. The proposal before me is for a hipped roof first floor

extension to a width of 7.5m, in contrast to the width of the previously refused scheme which proposed a full-width first floor extension (8.73m). The proposal before me would include two windows to the rear elevation.

6. Having regard to the above prior approval and lawful development certificate, and in the absence of any evidence from the Council to indicate otherwise, it would appear that there is no dispute between the parties as to the acceptability of the ground floor elements of the proposal. In addition to this, from the documents before me, there appears that there is no dispute between the parties as to the acceptability of the development with regard to the impacts of the first floor elements to no 99 Upney Lane. With regard to impacts to neighbouring occupiers, I shall therefore confine my detailed considerations to the proposed first floor extension and its impacts to the occupiers of no. 103 Upney Lane.

Main Issues

7. The effect of the proposed development on the character and appearance of the area and;
8. The effect of the proposed development on the living conditions of the occupiers of number 103 Upney Lane with particular regard to light and outlook.

Reasons

Character and appearance

9. Upney Lane is a residential street comprising primarily terraces or semi-detached properties set in long plots, and these face back-to-back with similar properties on Melford Avenue. Properties vary in individual design characteristics and form, however I was able to see that many have rear extensions to both ground and first floors as well as roof extensions.
10. No 101 has already been extended and altered as described above. The proposed first floor extension would reflect the hipped roof of the original dwelling and would be set below the main ridgeline of the existing dwelling, and would not extend beyond the width of the existing dwelling. The development would result in a 'stepped' extension to the dwelling and is a similar form that I was able to see on my site visit.
11. The proposed first floor rear extension would not be visible to the street. By reason of the position to the rear of the property, and of a reduced width, the proposed extension would not be unduly prominent to the street.
12. The Council's SPD¹ sets out guidance for rear extensions, stating that the design should be sympathetic to the original house, including the roof treatment reflecting the character of the original dwelling. Given the hipped roof proposal and the original roof arrangement of the existing dwelling, the proposal complies with this guidance.
13. I conclude that the appeal proposal would not have a harmful effect on the character and appearance of the area. I therefore find no conflict with policies found within the National Planning Policy Framework (the Framework), which

¹ Residential Extensions and Alterations Supplementary Planning Document (February 2012)

seek to secure high quality design which takes account of the local character and reflect the local surroundings and materials.

14. I consider that the proposal therefore complies with the SPD and also Policy CP3 of the Core Strategy² which expects new development to achieve a high quality in relation to design of layout. In addition to this, I find there would be no conflict with Policies BP8 and BP11 of the Development Plan³ and Policy D4 of the London Plan⁴, all of which require (amongst other things) that development have regard to and protect or enhance, the local character of the area.

Living Conditions

15. The SPD says that first floor extensions as measured from the main rear wall should not exceed the distance from the proposed extension to the corner of the adjacent property. It goes on to explain that where there are solid roof extensions to adjacent properties, the distance should be measured from the extended part, thus ensuring that no part of a proposed extension would extend beyond a 45 degree angle as taken from the corner of the adjoining property or extension.
16. The appeal documents and plans show that the development is able to adhere to the guidance in the SPD as set out above and I have no reason to disagree with these conclusions. Nonetheless, whilst there is a slight increase in space between the side boundary of the appeal property and no. 103 as compared with the previously refused proposals, I have taken into account the extent of the development in the context of the closest first floor window at no. 103. This will remain set back behind its own two storey rear extension, and will be bounded by the proposed first floor at the appeal site. The effect of this would be to create additional built form which would create a solid and enclosing structure close to no. 103.
17. Whilst I am able to see that the roof closest to the boundary would be sloped away from no. 103, I do not consider that this is sufficient to overcome the enclosing nature of the proposed extension when taken as a whole. Given the proximity of the proposed development, to that neighbour, the extent of the projection of the extension and the existing rear extension at no. 103, I consider that this first floor window would be subjected to an unneighbourly sense of enclosure and thus an overbearing impact and loss of light. Policy BP8 of the Development Plan expects all extensions to ensure that there is no loss of outlook or daylight and sunlight.
18. I consider that the proposal is therefore in conflict with the SPD and Policies BP8 and BP11 of the Development Plan and Policy D4 of the London Plan, all of which require (amongst other things) that development should not lead to loss of outlook or daylight and sunlight and the Framework.

Other matters

19. The appellant has provided information on similar developments in the area including plans for no. 2 Shirley Gardens. The circumstances in each proposal

² Planning for the Future of Barking and Dagenham, Core Strategy (July 2010)

³ Planning for the Future of Barking and Dagenham, Borough Wide Development Policies Development Plan Document (March 2011)

⁴ The London Plan, The Spatial Development Strategy for Greater London (March 2021)

are likely to be different, and in any event the fact that apparently similar first floor rear extensions may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

20. For the reasons given, the proposal is unacceptable and the appeal should not succeed.

Rebecca Thomas

INSPECTOR