



Appeal Decision

Site visit made on 9 May 2022

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2022

Appeal Ref: APP/Z5060/D/22/3294091
58 Edgefield Avenue, Barking IG11 9JN

- 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 Ahad Miah against the decision of the Council of the London Borough of Barking & Dagenham.
The application Ref 21/02084/HSE, dated 16 November 2021, was refused by notice dated 21 December 2021.
 - The development proposed is construction of a single storey rear extension.
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Decision

1. The appeal is allowed and permission is granted for construction of a single storey rear extension at 58 Edgefield Avenue, Barking IG11 9JN in accordance with the terms of the application Ref 21/02084/HSE, dated 16 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18/873/009 (site location plan and block plan); 18/873/008 (proposed plans and elevations) and 18/873/006 (existing ground floor plans, front, rear and side elevations).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council altered the description of the development from "full width rear extension" to "construction of single storey rear extension." This description is more precise than that given on the application form.

Main Issues

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of numbers 56 and 60 Edgefield Avenue with particular regard to light and outlook.

Reasons

4. The appeal site has previously been altered to provide two single storey rear extensions across the width of the dwelling. The proposed development would

- rationalise these two extensions by extending the rear of the property across the full extent with a new extension. This would also protrude a further 4m beyond the rear wall of the existing rear extensions, to a total depth of 6m from the rear wall of the existing house. The proposed development would remain flat-roofed and be constructed in matching materials where possible.
5. The neighbour, no. 56 Edgefield Avenue, is attached to the appeal site by way of the existing garage buildings, both of which are single storey and flat roofed. The neighbour to the other side (no. 60) is attached to the appeal site by virtue of being a mid-terrace property. No. 60 has a rear door and window to the ground floor leading to a small patio area, and its outlook is already bounded on both sides by single storey flat-roofed extensions, one of which comprises the existing rear extension to the appeal site.
 6. The appeal documents show that that an application for prior approval was submitted and the Council has confirmed that prior approval is not required for *"the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 6.00 metres. The maximum height of the proposed extensions from the natural ground level is 3.00 metres. The height at eaves level of the proposed extension measured from the natural ground level is 3.00 metres"*¹. The appellant explains that the development the subject of that prior approval is in essence the same, albeit of a narrower width. Whilst I do not have all the documents for the prior approval, it is clear to me that the dimensions of that development are similar in depth and height to the proposal before me and the parties do not disagree on this. There is no question that this development could be implemented and it represents a fallback position against which to assess the current proposal.
 7. The council's Supplementary Planning Document² (SPD) says that single storey rear extensions should not exceed 3.65m in depth as measured from the original rear wall. It goes on to say that where an extension has a greater depth, that part of the extension which exceeds 3.65m must be within a 45 degree angle as measured from the corner of the adjacent dwellings.
 8. I consider that the 45 degree line as measured to no. 60 may already be breached by the existing rear extension and by virtue the proposed development would also breach this angle. Even so, given the prior approval decision and the matching depths and height to the development proposed, the impact of the development to no. 60 before me would be the same in either instance. I have also taken into account the existing fence and canopy structure over the window to no. 56, as well as the existing fence. The increase in height of the proposed extension above this boundary for a further 3 metres would not have a significant enclosing effect on the outlook from neighbouring gardens or rear windows, beyond that as existing.
 9. Despite technical breaches of the Council's SPD, the site specific circumstances and prior approval fallback position mean that the scheme would still comply with the overall amenity and design aims of the Core Strategy. For these reasons I conclude that the proposed development would not cause harm to the living conditions of outlook and loss of daylight and sunlight to the occupiers of the dwellings at no. 58 and 60. The development would therefore comply with Policy CS13 of the Core Strategy, Policies DM4 and DM32 of the

¹ 21/02081/PRIEXT

² Residential Extensions and Alterations Supplementary Planning Document (February 2012)

Local Plan and the Guidance under the SPD. These, amongst other things, seek to ensure developments protect occupiers of neighbouring properties from loss of residential amenity, do not cause unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight or sunlight or result in an unneighbourly sense of enclosure.

Conditions

10. In addition to the standard timescale for implementation condition, it is necessary to attach a condition to confirm the approved drawings in the interests of certainty, and this also includes the details relating to the materials to be employed in the construction.

Conclusion

11. For the above reasons, and having regard to all other matters raised, the proposed development would not harm the character and appearance of the local area nor harm the living conditions of occupiers at no's 56 and 60 Edgefield Avenue and would accord with the development plan and the Framework. Therefore the appeal is allowed.

Rebecca Thomas

INSPECTOR