

Appeal Decision

Site visit made on 15 September 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/Z5060/D/22/3303911

14 Norfolk Road, Dagenham, RM10 8EX

- 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 Ms Tatiana Botez against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 22/00414/HSE, dated 4 March 2022, was refused by notice dated 5 May 2022.
 - The development proposed is the erection of a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed first floor rear extension on the living conditions of occupiers of 16 Norfolk Road with respect to outlook and light.

Reasons

3. The appeal dwelling is an end of terrace house in a quiet residential street of similar properties. It has an existing single storey rear extension and permission has been granted to extend this across the entire rear elevation of the dwelling. The appeal proposal is for a first floor extension above, also across the entire width of the dwelling.
 4. Owing to the distance of separation between the appeal dwelling and its detached neighbour, No 12, the proposed extension would not impinge on living conditions at that property.
 5. Nevertheless, it would project over 2m beyond the first floor rear elevation of the adjoining neighbour, No 16. This dwelling has a first floor rear window serving a bedroom set close to the shared boundary with No 14. The proposed extension would breach the 45° rule as set out in the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD), 2012. Moreover, the 45° rule would be breached if measured from any point across the window. This would result in an unacceptable loss of daylight and outlook and an overbearing effect from the window. Since the appeal dwelling lies to the
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south of No 16, it would also result in a material loss of sunlight to the bedroom.

6. It is concluded on the main issue that the proposed first floor rear extension would have a materially harmful effect on living conditions of occupiers of 16 Norfolk Road with respect to outlook and light. In consequence, taken in the context of strategic policies in The London Plan, 2021, and the Council's Core Strategy, 2010, it would conflict with Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document, 2011, and the National Planning Policy Framework. Taken together, these expect new development to provide a high standard of amenity for existing and future users and, specifically, not lead to significant loss of outlook, overshadowing or loss of daylight or sunlight. It would also conflict with emerging policies in the Draft Local Plan 2037 which seek to ensure similar protection.
7. For the reasons set out above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

KE Down
INSPECTOR