



Appeal Decision

Site visit made on 8 September 2022

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Appeal Ref: APP/G5750/D/22/3299417

13 Chichester Close, Beckton, London E6 5QJ

- 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 Tomas Simaitis against the decision of the London Borough of Newham Council.
 - The application Ref 22/00058/HH, dated 9 January 2022, was refused by notice dated 11 March 2022.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 13 Chichester Close, Beckton, London E6 5QJ in accordance with the terms of the application, 22/00058/HH, dated 9 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 210707 L 023 and 210707 L 025.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The first floor bathroom window in the side elevation shall at all times be glazed with obscured glass and no part of that window that is less than 1.7 metres above the floor shall be capable of being opened.

Main Issue

2. The main issue of the appeal is the effect of the proposed development on the living conditions of neighbouring residential occupiers with reference to outlook and light.

Reasons

3. 13 Chichester Close (No.13) is a two storey detached house located on a hammerhead turning on a planned estate made up of architecturally similar properties that vary in their orientation and distance to the street. The appeal property has front and rear gardens with off street parking and a separate garage that is attached to that of the neighbouring property at 14 Chichester Close. It has been the subject of an earlier ground floor rear extension.

4. The appeal property sits parallel with its nearest neighbour at 12 Chichester Close (No.12), with a separating distance between the two of approximately 2 metres and sits further forward towards the hammer head turning than No.12. The existing ground floor rear extension to No.13 extends almost as far as the rear wall of No.12. The proposed first floor extension would sit above this existing extension and would extend only slightly less rearward and would result in a rear gable end. The roof of the proposal would, however, have a shallower pitch and lower ridge height than that of the original house. The proposal also includes 6 new roof lights in the original roof of the house.
5. In the flank wall of No.12 that faces towards No.13 there is a ground floor window and a first floor obscured glazed bathroom window. The proposal would result in some overshadowing of these windows at certain times of the day and periods during the year. The effect of this overshadowing on the ground floor side window would only be very marginal, given the existing degree of overshadowing of this window by the original house at No.13 and its rear ground floor extension. Although the overshadowing effect to the obscure glazed bathroom window would be greater than that to the ground floor window, the overshadowing would be to a relatively small bathroom window that serves a room that does not form part of the primary living space of the house.
6. As the first floor bathroom window of No.12 is obscure glazed, and the outlook from the ground floor side window of No.12 is already constrained by the tall fence between the two properties and the proximity of the existing house and extension, I do not find that proposal would have any significant additional overbearing effect on the outlook from this property.
7. For the reasons given above the proposal would not result in overshadowing of No.12 or would have such an overbearing effect to an extent that would result in any significant harm to the living conditions of its residential occupiers.

Conditions

8. Along with the standard conditions relating to timing of implementation and compliance with drawings, in the interest of design quality I have imposed a condition requiring the use of materials in construction that match those of the existing house. To protect the living conditions of neighbouring and future occupiers with regard to privacy, I have imposed a condition requiring obscured glazing to the new window in the side elevation to the first floor bathroom.

Conclusion

9. The appeal is allowed.

Victor Callister

INSPECTOR