The Planning Inspectorate

Appeal Decision

Site visit made on 4 November 2022

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/W5780/D/22/3303510
200 Buckhurst Way, Buckhurst Hill, Redbridge IG9 6HX

- 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 Daniel Carter against the decision of the London Borough of Redbridge.
- The application Ref: 1172/22, dated 7 April 2022, was refused by notice dated 1 June 2022.
- The development proposed is described as the erection of a two storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the planning application form. However, the Council's refusal notice and the appellant's appeal form describe the proposal as a *'single and part first floor rear extension and alteration to rear fenestrations'*. This reflects what is shown on the submitted plans and I have therefore determined the appeal on such a basis.

Main Issues

3. The main issues are the effect of the development upon (i) the character and appearance of the host building and area and (ii) the living conditions of the occupiers of No 198 Buckhurst Way in respect of outlook and light.

Reasons

Character and appearance

4. The appeal property is an end of terrace dwelling. Its rear elevation along with that of other residential properties in the terrace is conspicuous when viewed from Buckhurst Hill. While the rear of each of the terraced properties are not identical, the terrace as a whole is appreciated as one where rear projections are single storey in scale and where there is a notable absence of first floor extensions. This provides some uniformity to the design of the terrace and, furthermore, ensures that there is some green and open relief between built

form on Buckhurst Way and Bradfords Close. These attributes add positively and distinctively to the character and appearance of the area.

5. While the single storey part of the rear extension would be acceptable in terms of its position and appearance, the storey part of the development would have the effect of departing significantly from the character and appearance of the terrace as a whole. Owing to its height and position, it would be seen as a disproportionate addition to the host property and causing harm to the sense of openness that is appreciated by passers-by on Buckhurst Hill. I acknowledge that the two storey element of the proposal would not extend the full width of the appeal property. Nonetheless, this part of the proposal would be in close proximity to Buckhurst Hill and so its incongruous appearance would be very apparent from public view, particularly when seen against the rest of the terrace.

6. I therefore conclude that the proposal as whole would cause significant harm to the character and appearance of the area. It would not therefore accord with the design, character and appearance requirements of policies LP26 and LP30 of the adopted 2018 Redbridge Local Plan 2015-2030 (LP).

Living conditions

7. The occupier of No 198 Buckhurst Way raises concern about the two storey part of the rear extension and has provided photographs. They claim that limited sunlight is already afforded to the outside amenity space owing to the position of the appeal dwelling and existing trees.

8. I am satisfied that even accounting for the slightly greater rear projection than the existing conservatory which would be removed, the proposed single storey part of the proposal would not have a significantly harmful effect on the occupiers of No 198 Buckhurst Way in respect of outlook and light. However, the evidence is that existing trees and the appeal property, which are positioned to the south of No 198 Buckhurst Way, already limit the amount of sunlight penetration into the rear garden of this neighbouring property.

9. While the two storey part of the rear extension would be set away from the boundary with No 198 Buckhurst Way, I find that during times of the year when the sun is low in the sky it would have the effect of exacerbating this existing situation, thereby causing unacceptable loss of sunlight for the occupiers of the neighbouring residential property. This unacceptable loss of light would be particularly noticeable in respect of use of the patio area. This harm would be compounded in so far that owing to the proximity and height of the two storey part of the proposal, it would be experienced by the occupiers of the neighbouring property as being an enclosing and dominant addition when viewed from the rear garden area. In this regard, the proposal would have a harmful impact leading to an unacceptable loss of outlook.

10. For the above reasons, I conclude that as a whole the proposal would cause material harm to the living conditions of the occupiers of No 198 Buckhurst Way in respect of light and outlook. It would not therefore accord with the living conditions requirements of policies LP26 and LP30.

Other Matters

11. The appellant has referred me to other examples of first floor rear extensions at 34-36 Widecombe Gardens, 6 Gaysham Avenue and 12 Raymond Road and states that they either project further to the rear than the appeal proposal and/or are more than half the width of the host properties. I have not been provided with specific details or the circumstances which led to these extensions being approved. In any event, I have determined this appeal on its individual planning merits. The existence of the aforementioned rear extensions does not alter or outweigh the harm that I have identified in respect of character and appearance and living conditions matters.

12. The proposal would result in the loss of a raised terraced area where there is overlooking of existing gardens. However, this benefit is not sufficient to outweigh harm that would be caused in respect of my conclusions on the main issues.

Conclusion

13. For the reasons outlined above, I conclude that the appeal should be dismissed.

S. Hartley

INSPECTOR