The Planning Inspectorate

Appeal Decision

Site visit made on 9 December 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/W5780/D/22/3305616
27 Kimberley Avenue, Newbury Park, Ilford, IG2 7AR

- 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 Asif Ali Chaudhary against the decision of the Council of the London Borough of Redbridge.
- The application Ref 2379/22 dated 15 July 2022, was refused by notice dated 18 August 2022.
- The development proposed is erection of a ground floor infill extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the living conditions of the occupiers of Number 29 Kimberley Avenue, with regards to outlook.

Reasons

3. The appeal property is an extended two storey mid-terrace dwelling. It is located within a residential area characterised by the presence of two storey terraced houses with small gardens/parking areas to the front and longer gardens to the rear.

4. During my site visit, I observed that many properties have been altered and/or extended and that such changes generally appear in keeping with surroundings and sensitive to the amenity of neighbours.

5. The appeal property has been extended to the rear. The rear extension projects some considerable distance, but rather than extend at full projection across the width of the host property, it steps back close to the boundary with Number 29 Kimberley Avenue. The proposed development would effectively serve to fill this stepped-back area and in so doing, would extend to the shared boundary with No 29.

6. During my site visit, I observed No 29 to have a ground floor window to a main room located very close to the boundary with the appeal property. The proposed development would result in the appeal property projecting at a

significant height for some considerable distance in very close proximity to this ground floor window.

7. I find that this would result in the proposal appearing to "loom" above the boundary to such an extent that it would appear unduly dominant and overbearing when seen from the rear of No 29. Its height, length and proximity would combine with the existing extension to result in an undue sense of enclosure.

8. Further to the above, the proposal would project at such a height and for such a distance that it would appear to tower above a considerable area of No 29's garden, such that it would appear visually intrusive, to the detriment of the ability of the occupiers of No 29 to enjoy the outlook from their garden.

9. Taking all of the above into account, I find that the proposed development would harm the living conditions of the occupiers of No 29 Kimberley Avenue with regards to outlook, contrary to the National Planning Policy Framework; to Local Plan[1] policies LP26 and LP30; and to the Council's Housing Design Supplementary Planning Document (2019), which together amongst other things, seek to protect residential amenity.

Other Matters

10. In support of his case, the appellant refers to other developments in the wider area. However, I have found that the proposed development would result in significant harm to residential amenity and this is not a factor mitigated by the presence of other developments elsewhere.

Conclusion

11. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

[1] Redbridge Local Plan (2018).