
Appeal Decision

Site visit made on 11 April 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/Z5060/D/23/3316066
19 Hunters Square, DAGENHAM, RM10 8AY

- 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 E Hoque against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref. 22/01878/HSE, dated 7 November 2022, was refused by notice dated 16 December 2022.
 - The development proposed is addition of a single storey rear 3m extension on to existing extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the surrounding area; and (2) the living conditions of occupants of 21 Hunters Square, with particular reference to outlook and access to daylight and sunlight.

Reasons

Character and Appearance

4. The appeal property is an end-terrace house which, due to its position at a bend in the road, has a wider plot than most in the vicinity. As a result, the dwelling has been extended to the side, but also has a part two-storey and part single-storey extension to the rear.
5. The proposed single-storey rear extension would span the width of the original dwelling and the side extension. I accept the appellant's position that previous extensions do not fall to be reconsidered as part of the appeal, but the proposal would not be seen in isolation. It is therefore appropriate to take account of the

cumulative impact of existing and proposed extensions on the character and appearance of the original dwelling and its setting.

6. The overall depth and bulk of additions to the original dwelling would be significant as a result of this proposal, with the property appearing disproportionate to others in the terrace. The proposal would create a sprawling layout that would not respect the original design and form of the host house or the terrace, and in so doing would not have regard to the local character of the area, as required by Policies BP8 and BP11 of the Council's Borough Wide Development Policies Development Plan Document 2011 (DPD). I accept that this and previous extensions would not constitute overdevelopment of the site, as a good-sized garden would remain, but the scale of the proposal would nevertheless create an ungainly and dominant addition to the original and extended property.
7. The development would be largely screened from the street by the existing and neighbouring buildings, but it would nevertheless fail to create the high quality design and layout required by Policy CP3 of the Core Strategy 2010 (CS) and DPD Policy BP11.
8. The appellant advises that the proposal is of similar design but wider than an extension approved in 2019 under ref. 19/01190/FUL. No plans have been provided, but the Council's report indicates that it only extended partially across the rear of the dwelling. As such, it would not have the same visual impact on the host property as the current proposal.
9. I therefore conclude that the proposal would detract from the character and appearance of the appeal property and the surrounding area, in conflict with the design objectives of the National Planning Policy Framework (the Framework) and Policy D4 of The London Plan 2021, and with CS Policy CP3 and DPD Policies BP8 and BP11. I have placed limited weight on the draft policies of the Council's Regulation 19 Local Plan given its stage in the examination process.

Living Conditions

10. The shared boundary of the appeal site with 21 Hunters Square (No.21) is not straight, such that the existing single-storey rear extension at the appeal site is partly set away from the boundary. The alignment of the proposed extension would follow the boundary, and would therefore be oriented away from No.21. Nevertheless, the proposal would result in a 6m deep addition alongside the shared boundary.
11. The Council has published guidance in support of its design policies, set out in the 'Residential Extensions and Alterations' Supplementary Planning Document 2012 (SPD). This guidance advises that on a terraced or semi-detached house, an extension should not normally exceed 3.65m deep, measured from the original wall of the house, to ensure that there is no material loss of daylight and outlook to neighbouring properties. The SPD allows for some flexibility, and does not reflect more up-to-date Permitted Development rights (PD), thereby reducing the weight which I have given it.
12. Nevertheless, the proposed depth, height and proximity of the proposal would create an unacceptably overbearing addition that would dominate the outlook for occupants of the neighbouring property. Whilst occupants of No.21 may

retain an unobstructed outlook down their own garden, the extension wall would create an undue sense of enclosure that would not be mitigated by these garden views. I do not agree that the extension would be positioned away from a direct line of site, as it would be apparent from ground floor openings of No.21 and throughout the garden.

13. There may be some benefit in the replacement of the current extension pitched roof with a flat roof as part of the proposal, but any benefit in this regard would be offset by the increased depth of the building. Given the orientation, the proposal also has the potential to diminish access to light and to cause overshadowing of the closest ground floor opening and garden of No.21. I do not consider that the angled boundary and extension wall would sufficiently mitigate its overall height and cumulative depth.
14. The appellant advises that a tree would be removed to facilitate the extension, but as a reasonably slender palm-like specimen with a high canopy, I am not convinced its loss would materially increase light levels to the neighbouring garden. Any benefit would be offset by the extension depth.
15. My attention has been drawn to two allowed appeal decisions. Both were appeals against the refusal of Prior Approval applications, and therefore with a more limited scope for assessment. No plans of those developments have been supplied, and without any context I cannot make a meaningful comparison with the proposal. However, both appeal decisions suggest that the neighbouring properties had been extended, and had different orientations. On the basis of the information provided, the effect of those appeal extensions would not likely have been the same as in this case, and as such, they offer limited support to this appeal.
16. I am mindful that the current occupant of No.21 has not objected to the proposal. However, paragraph 130 f) of the Framework requires the creation of places which promote health and well-being, with a high standard of amenity for existing **and future** users. As occupants and their opinions change over time, it is appropriate to secure by design reasonable living conditions for all users.
17. I therefore conclude that the proposal would diminish outlook and have the potential to reduce access to light and cause overshadowing, to a degree that the living conditions of current and future occupants of 21 Hunters Square would be harmed. This would conflict with the Framework, CS Policy CP3, DPD Policy BP11, which requires development to maintain residential amenity, and DPD Policy BP8, which seeks to ensure that extensions do not lead to significant loss of immediate outlook or overshadowing and loss of daylight and sunlight.

Conclusion

18. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR