



Appeal Decision

Site visit made on 29 March 2023

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2023

Appeal Ref: APP/W5780/C/22/3291032

Land at 3 Clarissa Road, Chadwell Heath, Romford, RM6 4NB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Natasha Modelly against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - The notice was issued on 16 December 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an unlawful single storey wrap around rear extension that infills the northern rear enclave and extends three metres to the rear with approximate maximum height of 3.8 metres and eaves height of 2.8 metres.
 - The requirements of the notice are
 - i. Remove the rear ground floor rear and side extension in its entirety
 - ii. Clear all debris arising from above requirements.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - 1) the deletion of the allegation and its replacement with the words "without planning permission, the erection of a single storey wraparound extension at the rear."
 - 2) the deletion of "6" months and the substitution of "9" months as the time for compliance in Paragraph 6 of the notice.
2. Subject to the correction and variation, the appeal is dismissed and the enforcement notice is upheld.

The Notice

3. The allegation is very prescriptive in referring to various dimensions of the development. However, the allegation can simply be described as "without planning permission, the erection of a single storey wraparound extension at the rear." I will correct the allegation and this can be done without causing injustice to any party.

Main Issue

4. The main issue is the effect of the development upon the living conditions of the occupiers of No 5 Clarissa Road with particular regard to light and a sense of enclosure.

Reasons

5. The appeal property is in a block of 5 terraced properties on Clarissa Road. As well as being two storey, the appeal dwelling has the benefit of a loft conversion to provide additional accommodation for extended family members. To the rear, the appeal property and No 1 have adjoining outrigger elements with a similar arrangement at No 5 and 7. As the outriggers are not as wide as the main section of the dwellings, modest gaps are created along the side of the outrigger either side of shared boundaries with a gap between the appeal property and No 5. There are garden areas to the rear to the terraced dwellings but they are not particularly generous in size.
6. Prior to development taking place, there was a 3 metre single storey rear extension to the rear of the original outrigger of the appeal dwelling. The appellant also refers to the presence of a lean to and plans submitted refer to corrugated sheets. Whilst an aerial image provided by the Council shows the extent of the previous extension to the rear, it is not clear what structures previously existed in the gap and any structures that did exist have been demolished.
7. The development consists of a wraparound extension which extends out from the end of the outrigger of the appeal property by 3 metres and wraps back around the side of the outrigger filling the gap up to the shared side boundary. The development has a mono pitched roof. As measured on site, at the side closest to No 5, the eaves height is 2.6 metres with an overall height of 2.76 metres. The slope of the roof pitch means that the height of the building at the boundary with No 1 is more than 2.6 metres but No 1 has a different relationship with the appeal property.
8. At No 5, there is a window at the end of the outrigger facing the garden with a door on the side elevation of the outrigger providing access to the rear. There is also a ground floor window and a first floor window on the rear wall of the main part of the dwelling at No 5. Whilst the gap between the two outriggers of the appeal dwelling and No 5 was modest before the development took place, the infilling of the side boundary at the appeal dwelling has reduced that gap even further. The extension is considerably taller than the shared boundary fence.
9. The notice refers to loss of light to the nearest ground floor rear window and patio area. The ground floor window to the main part of the property at No 5 would have originally had limited light due to the proximity of the outriggers, but that amount of light is reduced further since the development was built. The side element creates a greater feeling of being enclosed when this area was either free from development or had limited development before the existing extension was built. I accept that the amount of sunlight between the outriggers prior to the development taking place would not necessarily be significant.
10. However, adding built development of around 9 metres in length up to the shared boundary creates both a sense of enclosure and a reduction in natural light due to the extent, location and height of the side element of the development in relation to No 5. Although the appellant refers to the extension being of high quality, it is the location and height that has resulted in the service of the notice. The appellant refers to extensions of a similar projection in the area. However, I have not been referred to any specific examples of any

wraparound extensions which are said to be similar to the development in terms of location, size and relationship with other dwellings.

11. The appellant paid for the removal of a tree from the garden of No 5 after the development was built which she considers increased light generally to both properties. However, the removal of the tree could have been done at any time and its removal is unlikely to have created significantly more light in the gap between the outriggers due to its location at the end of the garden.
12. The development was built during the Covid pandemic to provide accommodation for an elderly relative and the appellant relied upon the advice from her builder and was unaware of the need for planning permission. Whilst I note the particular circumstances of the appellant and her family, any grant of planning permission would be permanent and would run with the land. The development would still remain beyond the occupation of the appellant and her family.
13. Reference is made by the appellant to an image shown as figure 7 in the Housing Design Supplementary Planning Document (the Guidance) as an acceptable extension. The annotation of the drawing shows an eaves height of 2.4 metres. The Guidance also refers to wrap around extensions needing particular care with low eaves height and shallow pitched roofs to minimise adverse impact to neighbours. However, both sides of the development exceed an eaves height of 2.4 metres despite the monopitch roof style. The matters referred to by the appellant do not outweigh my findings of harm.
14. For the reasons given above, I do therefore find that the development does harm the living conditions of the occupiers of No 5 with particular regard to loss of light and a sense of enclosure. It is therefore contrary to Policy LP26 of the Redbridge Local Plan which amongst other things states that development should not result in adverse impact upon the amenity of neighbouring occupiers in relation to daylight and a sense of enclosure. It is also contrary to Policy LP30 of the Redbridge Local Plan which amongst other things refers to avoiding adverse impacts on daylight and maintaining adequate spacing between buildings. The development is also not in accordance with the Guidance.

The appeal under ground (g)

15. This ground relates to the period for compliance being too short. The period for compliance with the notice is 6 months. The appellant has asked for a period of 12 months to engage a contractor and a structural engineer to achieve compliance. A period of 12 months does appear to be excessive given the nature of the work. However, the appellant previously had an extension prior to the development taking place and may wish to discuss other options with the Council. In the circumstances, a period of 9 months would allow for discussions about suitable alternatives to take place. I will therefore amend the period for compliance to 9 months. The appeal under ground (g) succeeds to that extent.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations.

E Griffin INSPECTOR