



Appeal Decision

Site visit made on 15 February 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2023

Appeal Ref: APP/W5780/D/22/3298199

98 Grove Road, Chadwell Heath, Romford RM6 4UH

- 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 Richard Cross against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 2832/21, dated 14 April 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described as: Demolish existing lean to. Rear 6 metre extension to create new kitchen space, folding doors leading onto garden. Existing kitchen to be converted to WC / Shower Room and utility Room accessed from new extension.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of the existing lean to. Rear 6 metre extension to create new kitchen space, folding doors leading onto garden. Existing kitchen to be converted to WC / Shower Room and utility Room accessed from new extension at 98 Grove Road, Romford RM6 4UH in accordance with the terms of the application, Ref: 2832/21, dated 14 April 2021, 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: Location Plan; Drawing Number 2020/0066/0001 - Plans and Elevations as Existing, Proposed Elevations and Details; Drawing Number 2020/0066/0002 - Plan as Proposed; and Drawing Number 2020/0066/0003 – Section A-A and Specification Notes.
 - 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.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of number 100 Grove Road, with particular regard to outlook.

Reasons

3. The appeal building is a two storey, mid-terrace, house forming part of a short terrace of four similar houses, numbers 96 to 102 (even) Grove Road. It currently has an existing single storey rear extension across the full width of

the building. This extension projects approximately 2.3 metres from the main rear wall and is approximately 2.6 metres high.

4. The neighbouring property at number 100 Grove Road, also a mid-terrace house, has not been extended. At the ground floor rear of this property there is a combined door and window, closest to the boundary with the appeal building, and a French window on the opposite side of the ground floor rear. The appellant's evidence suggests that these serve a kitchen and a dining room respectively, although I am not able to verify this. However, as this evidence is based on the original floor plan for the appeal building, which was an identical house in the same terrace, this is a credible suggestion.
5. I saw when I visited the site that the end terrace property at 102 Grove Road has a single storey rear extension that projects a similar distance to the existing rear extension at the appeal building. At the opposite end of the terrace, number 96 Grove Road, adjoining the appeal building, has also been extended to the rear with a flat roofed extension which projects approximately 6 metres.
6. Policy 26 of the Redbridge Local Plan 2018 (the Local Plan) expects, among other matters, that new development is of a high standard of design which has regard to its context. Policy 30 of the Local Plan specifically addresses extensions to dwellings and amongst its requirements seeks to ensure that proposed extensions maintain adequate spacing between buildings taking into account the structure, and an acceptable outlook from surrounding dwellings.
7. The Redbridge Housing Design Supplementary Planning Document 2019 (the SPD), which is to be read alongside the general design policies of the Local Plan, sets out additional detailed guidance on extensions to dwellings. This sets out that the impact of the overall height, depth, and width on the amenity of nearby residents in terms of loss of outlook and increased sense of enclosure are important considerations. The SPD advises that a projection of 3.5 metres from the rear elevation is the maximum depth and a general rule of thumb for extensions to terraced houses. It goes on to state that depths greater than this will only be acceptable where it would be consistent with adjoining properties.
8. Although the proposed height of 3 metres is in line with the SPD guidance for flat roofed extensions, at 6 metres projection the appeal proposal would not comply with the guidance in the SPD in this respect. However, the SPD is solely guidance and not prescriptive. It acknowledges that there may be site specific circumstances where extensions with a greater projection may be acceptable.
9. Whilst number 100 Grove Road has not been previously extended, number 96 has been extended to the rear by approximately 6 metres. I also saw from the rear garden of the appeal building and from walking around the surrounding area, that other properties in the vicinity have substantial ground floor rear extensions which can be seen over garden fences from the public footway.
10. The rear elevation of number 100 Grove Road is currently enclosed to each side by extensions to the neighbouring properties which project approximately 2.3 metres. These existing extensions will currently have an effect on the outlook from the rear of the property. The houses in the terrace do, however, have rear gardens approximately 20 metres in length resulting in a very open aspect

to the rear. A close boarded timber fence approximately 1.5 metres in height is also present on the boundary between the appeal building and number 100.

11. The proposed 6 metre extension to the appeal building would undoubtedly result in there being a large and noticeable section of new wall adjacent to the boundary with number 100 even if, as the appellant suggests, the height of the boundary treatment was to be increased to 2 metres in height. The largest effect would, however, be closest to the common boundary where a combined window and door is the nearest feature on the rear elevation of number 100. The evidence indicates that this is likely to serve a kitchen area and the SPD does not provide a definition of what is considered to be a habitable room, or whether a kitchen is considered to be a habitable room. To my mind, an effect on outlook from a more utilitarian area, such as a kitchen, is less harmful than an effect on a living room or bedroom window. Whilst there would be an effect on the outlook from this small window, the existing rear extension at the appeal building will also have an effect at present, albeit a lesser one. The proposed extension would not affect direct views down the long garden and whilst it would be more noticeable from this window and would increase the degree of enclosure on the boundary, it would not be unreasonably oppressive.
12. The proposed extension would be visible in oblique views from the French window on the opposite side of the ground floor rear elevation of number 100. However, due to the degree of separation between this window and the proposed extension, and the length of the rear garden, it would not appear significantly overbearing in views from within this room.
13. Although the appellant states that there have been no objections from the occupiers of number 100, I have been provided with a copy of a representation which, whilst not explicitly stating that it is an objection, states that the writer expects the "right to light 45 degree rule to be observed". Whilst this can be a method for assessing whether a proposal may have an effect on a window, and is referenced in the SPD, it is primarily used to determine whether there may be an effect on sunlight or daylight. No technical evidence in respect of sunlight or daylight has been provided by either party and the SPD references the 45 degree rule only in the context of two storey and first floor rear extensions. The SPD does not seek to apply this to ground floor extensions.
14. The effect on sunlight and daylight is not a matter in dispute between the main parties and the representation received does not explicitly raise this as a point of objection. I observed when I visited the site, at mid-morning on a bright day, that the existing 6 metre extension at number 96 Grove Road cast a shadow over parts of the rear elevation of the appeal building. As the relationship between the appeal building and number 100 Grove Road is the same, it can reasonably be concluded that the appeal proposal would cause some overshadowing of the rear of number 100 at certain times of the day and at certain times of the year, particularly when the sun is lower in the sky. However, in the absence of a daylight and sunlight assessment, there is no evidence which indicates that the reduction in sunlight or daylight would be so severe as to warrant withholding planning permission.
15. Due to the projection of the proposed extension and its proximity to the boundary with the neighbouring property, the appeal scheme would have an effect on the neighbouring property. The Council's assessment of the scheme is brief and appears to be based simply on conflict with the advice in the SPD

rather than on an objective assessment of the proposal and its context. From what I have read and from what I saw when I visited the site, the effect would be largely limited to the combined window and door of number 100 closest to the boundary. Although the effect on this window would be noticeable, there is nothing before me which would indicate that the appeal proposal would make the neighbouring property, when taken as a whole, a significantly less pleasant place to live.

16. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of number 100 Grove Road, with particular regard to outlook. It would comply with the relevant requirements of Policy 26 and Policy 30 of the Local Plan. Although it would not comply entirely with the guidance in the SPD, this is not prescriptive and site specific circumstances in this case indicate that a deviation from the guidance is acceptable.

Conditions

17. I have had regard to the conditions which have been suggested by the Council. In order to provide certainty in respect of what has been granted planning permission, I have attached a condition specifying the approved drawings and plans. In the interests of the appearance of the existing building, it is also necessary to attach a condition requiring that the proposed extension be constructed in materials to match the existing house.

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

John Dowsett

INSPECTOR