



## Appeal Decision

Site visit made on 8 August 2023

**by P Terceiro BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 August 2023**

---

**Appeal Ref: APP/Z5060/D/22/3307408**

**60 Kings Avenue, Barking and Dagenham, Chadwell Heath RM6 6BB**

- 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 Mulaj against the decision of the Council of London Borough of Barking and Dagenham.
  - The application Ref 22/01214/HSE, dated 12 July 2022, was refused by notice dated 5 September 2022.
  - The development proposed is the loft conversion with rear dormer. Rear ground floor extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for loft conversion with rear dormer and rear ground floor extension at 60 Kings Avenue, Barking and Dagenham, Chadwell Heath RM6 6BB in accordance with the terms of the application, Ref 22/01214/HSE, dated 12 July 2022, subject to the following conditions:
  - 1) The development hereby permitted shall begin no 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: Site Location Plan, 60KAR OS; Block plan, 60KAR BP4 B; Proposed plans and elevations, 60KRR P4 B.
  - 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 Issues

2. The main issues in this appeal are:
  - the effect of the proposed development on the living conditions of the occupants of No 62 Kingsley Avenue with particular reference to outlook and light; and
  - whether the proposal would provide satisfactory living conditions for its future occupiers with regard to the internal living space.

### Reasons

*Living conditions of neighbouring occupiers*

3. The appeal site is a mid-terrace dwelling. The neighbouring property No 62, has a single storey rear extension set away from the joint boundary sufficiently

to retain a narrow window in the original rear elevation. The information before me indicates that the narrow window does not serve a habitable room. Indeed, I observed during my visit that it is obscure glazed. Similarly, the proposed extension is designed to retain the narrow window on the rear elevation of the host dwelling, widening part way along its length to nearly the full width of the plot. The boundary between No 62 and the appeal property is defined by a wooden fence.

4. The proposal would project several metres beyond the rear elevation of No 62. However, because of the extension's design, with a largely flat roof and partly inset from the boundary, the proposal would not be conspicuous from the windows in the rear of No 62. Whilst the proposal would be visible from the rear garden, its visual impact would be mitigated by its limited height and screening provided by the boundary fence. Therefore, the proposal would not result in a harmful loss of outlook or light when viewed from the rear garden of, or rear facing windows in, No 62.
5. The Residential Extensions and Alterations Supplementary Planning Document (2012) (SPD) provides guidelines regarding the maximum depth of conservatories and single storey rear extensions. The parties disagree over whether the proposal would be a conservatory. However, whilst the size of the proposed extension would increase the built form beyond the limits of the SPD, it appears to me that the purpose of the limitations within the SPD is to protect neighbouring amenity. For the reasons I have set out, in assessing the scheme against the existing and proposed circumstances, I am satisfied that the changes would respect the living conditions of the occupiers of No 62.
6. For the reasons set out above, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of No 62 with particular reference to outlook and light. Accordingly, the proposal would comply with Policy D4 of the London Plan 2021 (LP), Policy CP3 of the Core Strategy 2010 (CS) and Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document 2011 (DPD), where these policies seek to protect residential amenity. The proposal would also comply with the SPD insofar as it would protect neighbouring amenity. Further, the proposal would align with the National Planning Policy Framework (the Framework), which seeks to create places with a high standard of amenity for existing and future users.
7. The Council has also referred to policies within The London Borough of Barking and Dagenham's Draft Local Plan 2037 (Regulation 19 Consultation Version, September 2020) (BDDLDP). I note that the draft plan is at Examination, and therefore at an advanced stage. However, at the current time it does not form part of the statutory development plan and I have not been made aware as to whether there are any unresolved objections in relation to the cited policies. I therefore attach limited weight to those policies in my decision.

*Living conditions of the dwelling's occupiers*

8. The proposal includes a ground floor bedroom that would be served only by a rooflight, limiting the natural light and ventilation to the room. However, as well as being accessed from the hallway the bedroom would connect to the new rear living space by way of two sets of opening double doors. The living and kitchen areas within the existing house and proposed extension are spacious with large windows providing pleasant cooking, sitting and social spaces. Whilst

I appreciate that the individual bedroom does not have an outlook, and that daylight and ventilation could be limited by the size of the rooflight, I am satisfied that the layout of the accommodation, as a whole, would provide acceptable living conditions for its future occupiers.

9. In light of the above, I conclude that the proposal would comply with Policy D4 of the LP, Policy CP3 of the CS and Policies BP8 and BP11 of the DPD. The proposal would accord with the SPD and the Framework.

### **Other Matters**

10. The occupiers at No 62 raised concerns about loss of privacy. The plans before me show that the proposal would contain side windows facing the neighbours. However, the windows would be at single storey height and would mostly be obscure glazed. Further, the intervening boundary treatment would prevent views towards No 62. As such, the proposal would not lead to loss of privacy.
11. The Council considers that the windows in the proposed development would be poorly designed and not reflective of the window arrangement of the rest of the dwelling. However, the extension's limited visibility from public vantage points would limit the harm to the character of the area.
12. Although I acknowledge that the extension would result in the loss of a portion of a grassed area, I have not been provided with evidence to suggest that the proposal would reduce biodiversity on site. On this basis, there is no need to impose a planning condition requiring biodiversity improvements.
13. The proposed development includes a rear dormer window, which the Council considers acceptable in terms of its size and scale. Based on the information before me I see no reason to disagree with the Council's view on this matter.

### **Conditions**

14. A condition is necessary to require the development to accord with the approved plans, as this provides certainty and precision. A condition securing matching materials is also necessary, to ensure that the development is in keeping with the existing dwelling and, where visible, with its surroundings.

### **Conclusion**

15. For the reasons given above, I conclude that the proposal complies with the development plan read as a whole. There are no material considerations that indicate that a decision should be taken otherwise other than in accordance with it. As such, I conclude that the appeal should succeed.

*P Terceiro*

INSPECTOR