



Appeal Decision

Site visit made on 11 September 2023 by T Bennett BA (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/Z5060/D/23/3323981

98 Sterry Road, Dagenham RM10 8NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Leonid Toderas against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 23/00612/PRIEXT, dated 21 April 2023, was refused by notice dated 24 May 2023.
 - The development proposed is for a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension, at 98 Sterry Road, Dagenham RM10 8NT in accordance with the application ref. 23/00612/PRIEXT, made on 21 April 2023, and the details submitted with it (including plans: 05 Proposed Block Plan, 04 Proposed Elevation Plan, Proposed Roof Plan 03, Proposed Ground Floor Plan 02, Location Plan 00), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) of the GPDO.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The above description is taken from the application form. It is referred to differently elsewhere, but I can see no agreement therefore between the main parties. Since the description best identifies the development to which the appeal relates, I have proceeded in making reference to it.
4. Under the aforementioned legislative provisions, a planning permission is granted for the enlargement of a dwelling in the manner proposed subject to the satisfaction of expressed limitations, restrictions and conditions. One such, for the purposes of the appeal, requires an assessment to be made as to the effect of a given scheme on the amenity of any adjoining premises, considering any representations received. This has informed the main issue of the appeal which is the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with particular regard to outlook and daylight.

Reasons for the Recommendation

5. The appeal site comprises a two-storey semi-detached dwelling in a residential area with an existing full width, flat-roofed rear extension projecting approximately three metres to the rear. The proposed development would replace the existing extension with one that would extend six metres, with a maximum height of three metres. The dimensions of the proposed extension would accord with the limitations as set out in paragraph A.1(g). The Council does not disagree. An objection was received from a neighbouring occupier at No 100 Sterry Road. The Council therefore assessed the impact of the development on the amenity of all adjoining properties.
6. The side elevation of the proposed extension would be approximately two metres away from the shared boundary with No 100, with its side elevation set away from the boundary by a similar distance. Given this separation and the single-storey nature of the proposal, I am satisfied that there would not be an unacceptable impact on the living conditions of the occupiers of No 100. I concur with the Council's assessment in this regard.
7. The rear gardens of Nos 121 and 123 Rodgers Road are adjacent to the rear boundary of the appeal site. The proposed extension would be sited at a considerable distance from these dwellings and their respective garden spaces. As such, there would be no adverse effect on the living conditions of their users.
8. The proposed extension would immediately abut and extend six metres along the shared boundary with No 96, an additional three metres compared to the existing situation. No 96 has a long rear garden and the principal outlook from the windows at the rear of this property would remain over the garden. Considering the existing high boundary fence and the use of a flat roof, I am not persuaded that any impact on outlook would be severe and thus unacceptable. Furthermore, the flat roof would minimise the proposal's built form when viewed from the rear elevation of No 96 preventing any sense of overbearing. The proposal would also be sited to the north of No 96 and when taken in conjunction with the overall form of the development, this would not result in an unacceptable loss of daylight for the rear ground floor windows and adjoining garden area of No 96.
9. The proposed development would therefore be acceptable in terms of its effect on the living conditions of neighbouring occupiers with particular regard to outlook and daylight. Insofar as they are material considerations relevant to the main issue of the case, the proposed development would consequently accord with the aims of Policy BP8 and Policy BP11 of the Planning for the Future of Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011) and the Residential Extensions and Alterations Supplementary Planning Document (2012). Amongst other matters these policies seek to require new development to protect residential amenity.

Other Matters

10. The occupiers of No 100 also objected to the proposal on grounds that it would result in more people entering and leaving the property. I have no evidence to substantiate this and, in any case, it is not a matter which has been determinative in my decision-making. It would remain as a single dwelling and

any subsequent change of use is likely to require planning permission in its own right.

Conditions

11. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the Council. For clarity I have referred to these above. No further conditions are necessary.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed.

John Morrison

INSPECTOR