



Appeal Decision

Site visit made on 9 October 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2023

Appeal Ref: APP/Z5060/D/23/3326406

3 Melford Avenue, Barking, Barking and Dagenham IG11 9HS

- 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 M Akram against the decision of the Council of the London Borough of Barking and Dagenham Council.
 - The application Ref 23/00684/HSE, dated 5 May 2023, was refused by notice dated 21 June 2023.
 - The development proposed is a single-storey side/rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of neighbouring property 1 Melford Avenue.

Reasons

3. The application site is located in a residential area, the established pattern of development in the area is such that the majority of properties are set in terrace rows on long streets. Properties on corner plots are mostly semi-detached and set at an angle in roughly triangular plots. The appeal property is on the end of a terrace of four properties, neighbouring property 1 Melford Avenue is on a corner plot and is angled to face the corner of Melford Avenue and Beccles Drive. As a result, its rear elevation partially faces the boundary of the appeal property. The appeal property has a two storey side extension and a single storey flat roofed extension on the rear. Although not indicated on the submitted plans, 1 Melford Avenue also has a two storey extension on its side elevation. The boundary between the appeal property and 1 Melford Avenue is marked by a high close boarded timber fence.
4. The proposed development would form a continuation of the existing single storey flat roof extension on the rear elevation. The extension would be angled in order to accommodate the line of the boundary, running in close proximity to it. Taking in to account the existing extensions, and the layout of the appeal property and 1 Melford Avenue, they have a constrained relationship as existing. The proposed extension would further extend development adjacent to the boundary, close to the rear elevation of the neighbouring property. The existing timber fence is not sufficient to mitigate the impact of the extension as it would extend significantly above it. As such, the extension would have a harmful impact on the outlook from 1 Melford Avenue. It is acknowledged that the existing extension has some impact on the neighbouring property in terms of loss of daylight and overshadowing. However, due to the close proximity to the boundary, and its orientation, the extension would exacerbate the existing

harmful impact on neighbouring properties in terms of loss of daylight and overshadowing.

5. In support of the appeal, my attention was drawn to other properties in the area that have already been extended in a similar manner to that now proposed. I do not have details of the circumstances that led to these developments being accepted. Based on the evidence before me, and my own observation, the examples provided include three properties on Beccles Drive which are on or adjacent to corner plots. The extensions on 14 and 12 Beccles Drive are adjoining, and this arrangement mitigates the impact on each neighbour. The other example, 18 Beccles Drive, appears to have been extended to the side and rear. However, the neighbouring property 16 Beccles Drive is significantly set back from the boundary.
6. Further examples were provided along Melford Avenue; however, these properties are on a straight section of the street and are side by side. In this instance the angle between the appeal property and the neighbouring property is such that the harmful impact of the extension on the neighbouring property is heightened as the rear windows partially face the extension. Therefore, the examples provided are not a direct parallel to the appeal proposal in respect of siting and their relationship with neighbouring properties. In any case, I have determined the appeal on its own merits.
7. For the reasons stated above I conclude that the proposed extension would have a harmful effect on the living conditions of the occupiers of neighbouring properties. As such the development is contrary to Policy D6 of the London Plan, BP8 and BP11 of the Barking and Dagenham Development Plan Document and the supporting Residential Extensions and Alterations Supplementary Planning Document, as well as Policies DMD1 and DMD6 of the Barking and Dagenham Draft Local Plan. Taken together these policies seek that development should provide sufficient daylight and sunlight to new and surrounding housing (D6) and maintain residential amenity (BP11).

Other Matters

8. I understand the wishes of the appellant to maximise the use of available space, and their enjoyment of the property, by extending it further. However, such personal circumstances carry very little weight.
9. The absence of harm in terms of character and appearance is a neutral factor which weighs neither for nor against a proposal.

Conclusion

10. The appeal is dismissed.

C Livingstone

INSPECTOR