



Appeal Decision

Site visit made on 10 August 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/Z5060/W/23/3316902

22B Thorpe Road, Barking, London IG11 9XJ

- 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 Jalal Hussain against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 22/01831/FULL, dated 2 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is rear 1st floor extension 2400 deep to first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for rear 1st floor extension 2400 deep to first floor flat at 22B Thorpe Road, Barking, London IG11 9XJ in accordance with the terms of the application, Ref 22/01831/FULL, dated 2 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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 1:1250 – April 2022;

Site Plan 1:500 – April 2022;

Proposed 1st Flr Rear Extension to 1st Floor Flat No 22B – Drg. No. 1 of 3 – Mar 2022;

Exist 2nd Flr Plan and Cellar Plan – Drg. No. 2 of 3 – April 2022;

Proposed and Existing Roof Plans – Drg. No. 3 of 3 – April 2022.
 - 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.

Preliminary Matters

2. The Council has referred to and has provided copies of the policies of The London Borough of Barking and Dagenham Draft Local Plan 2037 – Second Revised Regulation 19 Consultation Version: Autumn 2021. I understand this is currently at the examination stage. However, I have limited evidence to suggest when the plan is likely to be adopted, if any policies have been modified, or the extent of any unresolved objections. Accordingly, I attach limited weight to this emerging plan.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, with specific regard to effects relating to overbearing, outlook, daylight and sunlight on the rear-facing window to the outrigger of No 24 Thorpe Road.

Reasons

4. The appeal property features a two-storey rear outrigger which adjoins a mirror image outrigger at the adjoining property of No 24. Both properties also feature mirroring flat-roofed ground-floor projections beyond the rear elevation of the outriggers. The proposal would extend the first floor of the outrigger further outwards to match the depth of the ground floor rear projection.
5. The Residential Extensions and Alterations Supplementary Planning Document – Adopted February 2012 (the SPD) states that no part of a proposed first floor extension should extend beyond a 45 degree angle as taken from the corner of the adjoining property. The SPD sets out such a scenario in an illustration. Because the proposed development would breach the 45 degree line drawn from the rear corner of the adjoining property at No 24, it would not accord with the illustrative guide in the SPD. However, the SPD does not form part of the development plan, and the weight I attach to this is limited to its role as guidance only.
6. The guidance in the SPD is intended to protect the living conditions of neighbouring occupiers. The relevant development plan policies relating to this matter, including those of the emerging development plan, do not set specific measures against which development proposals should be assessed. Instead, they seek broadly, among other objectives, to ensure that developments do not lead to significant loss of privacy, outlook, daylight or sunlight. As such, whilst the SPD seeks to provide practical guidance as to how these objectives can be achieved, a rigid interpretation of the guidance is not always necessary to comply with the development plan.
7. The neighbouring outrigger features a rear-facing window. Based on evidence submitted for a previous planning application, the Council considers this to serve a bedroom. This is not disputed by the appellant and I have therefore considered it as such.
8. The window is reasonably well separated from the boundary with the appeal property, is moderately sized and larger than many rear-facing windows on dwellings in the vicinity. Although the proposed extension would, in all likelihood, be visible from the adjacent window, it would be of modest depth and would not appear dominant or overbearing. Due to these factors, a reasonably wide aspect of outlook would be retained.
9. I am provided with no technical assessments on the matters of daylight and sunlight. However, based on the available evidence, due primarily to the level of outlook that would be retained, the proposals would retain an acceptable level of daylight for the neighbouring window.
10. The Council considers that due to the trajectory of the sun, the proposal would block sunlight to the adjacent window for a large proportion of the day. I do not dispute the likelihood that some loss of direct sunlight would occur. However, due to the window facing southeast, the size of the window and the

separation from the proposed extension, it is likely to still receive a reasonable amount of direct sunlight. Given the above, I find no compelling evidence that the reduction in sunlight would be harmful.

11. At my visit I noted an extension at No 26 Thorpe Road of very similar appearance to that proposed. Whilst this offers some context, I have determined the appeal on the matters applicable to the proposal under consideration. The neighbouring example is therefore of limited weight.
12. For the reasons given above, the effects of the proposed development on the rear-facing window to the outrigger of No 24 Thorpe Road would be acceptable and would not harm the living conditions of neighbouring occupiers in terms of overbearing, outlook, daylight or sunlight. It would therefore accord with Policy D4 of the London Plan – March 2021, Policy CP3 of the Local Development Framework 'Planning for the future of Barking and Dagenham' Core Strategy – Adopted July 2010, and Policies BP8 and BP11 of the Local Development Framework 'Planning for the future of Barking and Dagenham' Borough Wide Development Policies Development Plan Document – Adopted March 2011. Together these policies seek, among other objectives, for developments to achieve a high standard of inclusive design, and for developments to maintain residential amenity and avoid significant overlooking or overshadowing. It would also accord with the provisions of the National Planning Policy Framework (the Framework), which has similar aims.

Conditions

13. The Council has provided a list of suggested conditions that I find to be broadly acceptable. Where appropriate, I have amended the conditions to ensure consistency with the provisions of paragraph 56 of the Framework and the Planning Practice Guidance.
14. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. A condition requiring the external materials to match closely with the existing building is necessary to ensure the development delivers a high standard of design and reflects the character and appearance of the area.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions listed in my formal decision.

P Storey

INSPECTOR