
Appeal Decision

Site visit made on 10 February 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH March 2024

Appeal Ref: APP/W5780/D/23/333573

22 Somersby Gardens, Gants Hill, Ilford, ESSEX IG4 5EA

- 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 Hussain against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 343/23, dated 7 August 2023, was refused by notice dated 6 October 2023.
 - The development proposed is described as 'retrospective application for the amended works to facilitate an enlarged part first floor extension, based off previously approved drawings, and a cantilevered canopy roof at ground floor, based off previously approved drawings.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both elements of the appeal proposal appeared substantially complete at the time of my site visit. The appeal has been determined upon the basis of what I saw on the appeal site.

Main Issues

3. These are the effect of the appeal proposal on the character and appearance of the host property and the surrounding area and its effect on the living conditions of the occupiers of No 20 Somersby Gardens (No 20).

Reasons

4. The first-floor extension is lower than the existing extension it abuts and does not extend across the total width of the rear elevation of the appeal house. Although the combined extensions are larger than others visible in the locality, the depth and width of the additional first floor extensions in combination do not result in a disproportionate or dominant extension, but broadly respect the scale and character of the host property. The rear elevation does not appear so different to similar houses in the locality such as to harm the visual amenity of neighbouring occupants. It sufficiently respects the character and appearance of the host property and the surrounding area.
5. I conclude that the first-floor element of the appeal proposal accords with Policy LP26 of the Redbridge Local Plan (LP) which, in summary, requires high quality design and the similar requirements of LP Policy LP30 in respect of householder developments. In particular, and of relevance to this appeal, it

requires that new development complements the character of the host building in terms of scale, style, form and materials, and is subordinate to the existing building in terms of size, scale or height.

6. Turning to the second element of the appeal proposal which is described as a 'rear cantilever roof above a courtyard', it has a solid side wall which is open above waist height facing the garden of No 20. Its roof is also of solid construction, containing a roof light, and it is supported by a substantial column at the corner. In my judgement this could not reasonably be described as a floating or cantilevered roof as the appeal drawings indicate.
7. Nonetheless, the structure projects beyond the rear wall of an approximately 3.7m deep rear extension, resulting in development some 8m deep (based upon the Council's figures). There is currently no boundary fence or wall between the two properties. A determination of the effect of this structure on the occupants of the neighbouring property should therefore be based on the uppermost element of the structure which would be visible above an average boundary wall or fence.
8. The neighbouring property, No 20 has not been extended and has numerous windows and glazed doors on its rear elevation. The combined depth of the rear projection so close to the shared boundary has an intrusive and overbearing effect on the outlook from the neighbouring property. This amounts to harm to the living conditions of its occupiers. These conclusions would apply even if the development had been constructed as indicated in the appeal drawings.
9. For the foregoing reasons, I conclude that the rear canopy element of the appeal proposal would conflict with LP Policy LP30 in respect of its aim to protect the living conditions of the neighbours to proposed development. Accordingly, for the reasons set out above and having regard to all other matters raised the appeal is dismissed.

Elaine Benson

INSPECTOR