



Appeal Decision

Site visit made on 18 June 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI MIEMA CEnv

Decision by Martin Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 OCTOBER 2024

Appeal Ref: APP/Z5060/D/23/3332330

20 Neville Road, Dagenham, Barking and Dagenham, RM8 3QS

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
- The appeal is made by Mr Chowdhury against the decision of the Council of the London Borough of Barking and Dagenham.
The application Ref 23/01140/PRIEXT.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is dismissed.

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

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development. In this instance, I consider that sufficient information has been provided and the proposed development would comply with the conditions, limitations or restrictions that are applicable to such permitted development.
5. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises,

taking into account any representations received. I will proceed to consider the appeal on this basis.

Main Issue

6. The main issue is the effect of the development on the amenity of the occupiers of 22 Neville Road with regard to outlook and light.

Reasons for the Recommendation

7. The appeal property is an end-of-terrace dwellinghouse, located on the eastern side of Neville Road. The proposed rear extension would extend to the full width of the appeal property. It would have a maximum height of 3 metres and the height at the eaves from the ground would be 2.8 metres, with a rear projection to a depth of approximately 4.5 metres.
8. The appellant contends that the extension would only extend out 3.65 metres on the side with No. 22 Neville Road with the detailed design incorporating a chamfered corner leaving a greater depth of extension on the opposite side.
9. The appeal proposal, by virtue of its extent of projection, combined with its height and massing would appear as a dominant and oppressive addition particularly when viewed from the ground floor rear habitable room window of 22 Neville Road. No.22 is located to the north of the appeal property and thus the bulk of the extension would also cast a shadow upon the ground floor rear habitable room window, as well as reduce the level of natural light entering this window.
10. I acknowledge that there is an existing boarded fence, approximately 1.8 metres high, which separates the rear garden of the appeal property and 22 Neville Road and there is a shed at the boundary at No. 22. I also acknowledge the appellant's assumption that 22 Neville Road possesses a similar 'through lounge' with dual aspect as the appeal property and so has the benefit of light from both ends to the habitable rooms.
11. Notwithstanding these factors, the proposed extension would still be much higher than the existing fence and the shed and would appear as an intrusive form of development. With regards to light, even if the appellant's assumptions are correct, on account of the depth of the lounge the overall reduction in light caused by the scale of the extension would result in an unacceptable impact on living conditions for users of the habitable rooms.
12. For these reasons, the proposal would have an unacceptable impact on the amenity of the occupiers of 22 Neville Road with regard to outlook and light. To that end, it is therefore considered that prior approval for the development should not be granted.

Other Matters

13. I have noted there to be various other issues raised by the appellant. These include that a 3-metre depth extension could be implemented as permitted development and without the need for prior approval, and that a 3.65 metres depth for a rear extension is generally considered to be allowable within the borough, with reference to the London Borough of Barking and Dagenham's Local Development Framework Residential Extensions and Alterations Supplementary Planning Document (Adopted February 2012) (the SPD).

Furthermore, reference has been made to other examples of similar approved and constructed extensions which would have a greater impact on daylight than the appeal proposal, including reference to a larger rear extension at No. 10 Neville Road.

14. However, I am mindful that paragraph A.4(7) of the GPDO is clear that only matters related to the proposed development and the consequent effect on the amenity of any adjoining premises can be considered. Whilst I acknowledge the existing matters raised by the appellant, given the constraints placed upon the determination of a prior approval case of this type, I have not attached any significant weight to these matters.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR