



Appeal Decision

Site visit made on 7 November 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/Z5060/D/24/3346724
23 Meadow Road, Barking, IG11 9QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Zamir Ferizolli against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref. is 24/00122/HSE.
 - The development proposed is construction of a first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. After this appeal was lodged, the Council adopted The Barking and Dagenham Local Plan 2020 – 2037 (LP). Draft policies SP2, DMD1 and DMD6 of that document were listed in the reasons for refusal.
3. As a result of the adoption, Policy CP3 of the Local Development Framework Core Strategy (July 2010) and Policies BP8 and BP11 of the Local Development Framework Borough Wide Development Policies Development Plan Document (March 2011) have been superseded and are no longer in force.
4. Although the text of the draft LP policies has been modified, the policies have not changed fundamentally insofar as they relate to this appeal, although Policy DMD6 has been renumbered as Policy DMD 5 in the adopted Local Plan. The appellant had the opportunity to comment on the previously adopted and draft policies in his appeal statement, and it has not been necessary to seek further comments on the changes.
5. At the appeal site visit it was apparent that a first-floor rear extension and rear dormer window have been added to the property that were not shown on the “existing” elevations submitted with the appeal scheme. The Council has since confirmed that permission was granted for the construction of a first floor rear extension on 16 September 2024 under application ref. 24/01003/HSE. The associated Council report states that the extension was reduced in both width and depth compared to the scheme the subject of this appeal.

Main Issues

6. The main issues are the effect of the proposal on (1) the living conditions of neighbouring residents, with particular reference to outlook, enclosure, and

access to daylight and sunlight; and (2) the character and appearance of the appeal property and the surrounding area.

Reasons

Living Conditions

7. The appeal property is a mid-terrace house, and although the neighbouring dwelling 21 Meadow Road (No.21) is widely extended, the attached property to the north-east, No.25, appears to be unaltered. The closest ground floor openings in No.25 appear to be a narrow window to a non-habitable room and a mostly solid door into the garden. The appellant advises that the window above serves a hallway, and the Council's report to application 24/01003/HSE confirms that the closest windows of No.25 facilitate a staircase.
8. LP Policy DMD 1 requires all development proposals to consider the impact on amenity of neighbouring properties, and LP Policy DMD 5 additionally requires that householder extensions do not significantly impact on quality of life for neighbouring residents. This is supported by the Council's 'Residential Extensions and Alterations' Supplementary Planning Document 2012 (SPD), which advises that the depth of any proposed first floor extension as measured from the main rear wall should not exceed the distance from the proposed extension to the corner of the adjacent property; and that no part of the proposed extension should extend beyond a 45-degree angle as taken from the corner of the adjoining property.
9. As a mid-terraced house with a proposed extension built alongside the shared boundary with No.25, the proposal would not accord with the Council's guidance. Although I note that the closest openings do not appear to serve habitable rooms, the development would nevertheless be a significant addition in the outlook from the habitable rooms of the neighbouring dwelling and its garden. I do not consider that the separating distance from windows would mitigate this effect. A solid wall at the height and depth proposed next to No.25 would create an unduly dominant and oppressive sense of enclosure that would diminish the living conditions and amenities enjoyed by current and future occupants of that property.
10. Limited information has been supplied of the reasoning behind the grant of planning permission in 2019 for the similar neighbouring extension at No.21. However, the Council's delegated report confirms that the dwellings on either side of No.21 benefitted from rear extensions at that time. The Council's SPD advises that, in applying its 45-degree assessment, where the adjacent property has a solid roof extension, the distance shall be taken from the corner of the extended part. It would therefore appear that the 45-degree angle would not have been breached in that case due to the extension at the appeal site. The context between the appeal site and No.21 was not the same as that of the appeal site and the unaltered No.25.
11. Given the orientation, there would already be potential for overshadowing and some effect on light reaching the rear-facing windows of No.25. In the absence of any technical assessment demonstrating the contrary, I consider that the proposal would cause greater light loss to a degree that living conditions would

be harmed. This is due to the height and depth¹ of the proposed extension, and its position at the shared boundary.

12. I therefore conclude that the proposal would result in an increased sense of enclosure, loss of outlook and access to light for current and future occupants of No.25 to a degree that their living conditions would be harmed. This would conflict with the objective in the National Planning Policy Framework (the Framework) to create places with a high standard of amenity for existing and future users, and would affect daylight and sunlight in conflict with Policy D6(D) of The London Plan 2021 (TLP). As outlined above, it would be contrary to LP Policies DMD 1 and DMD 5 and the SPD.

Character and Appearance

13. The appeal property is a mid-terrace house and the proposed extension is at the rear. There are a range of extensions visible in the area, and these vary in terms of design and scale. Permission has been granted for a smaller first-floor rear extension than the proposal at the appeal site, and an extension has been built. It sits alongside a similarly designed and scaled extension at 21 Meadow Road, details of which were supplied by the appellant as part of this appeal. Whilst I acknowledge that the neighbouring development pre-dates the adoption of the current planning policies, the same SPD guidance was in force at that time.
14. Compared to the previously approved scheme, this proposal would infill the remaining area above the single-storey extension, but would also be deeper across the whole width. In its context, I do not consider that the proposal would appear overly bulky, or result in the first floor appearing unsympathetic to the original dwelling. Whilst the dwelling would be extended by some margin, I do not find that the infilling of the remaining gap above the existing ground floor extension and the increased depth would 'tip the balance' and amount to overdevelopment of the site.
15. The visual impact of the proposal would be confined to the rear garden environment, and given the presence of the existing and neighbouring extensions I do not consider that this proposal would diminish the character and appearance of the area.
16. I therefore conclude that the proposal would be acceptable in its effect on the character and appearance of the original dwelling and the surrounding area, and would therefore accord with the design objectives of the Framework and TLP Policy D4; it would relate to its local context in accordance with LP Policy SP2, and would be sympathetic and subordinate to the design of the original dwelling with regards to scale, form, materials and detailing as sought by LP Policy DMD 5.
17. However, this does not alter my conclusion in respect of the harm identified on the first main issue.

Conclusion

18. For the reasons given above the appeal should be dismissed.

H Lock INSPECTOR

¹ The proposal would be deeper than the first-floor extension approved under ref. 24/01003/HSE