



Appeal Decision

Site visit made on 25 March 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/Z5060/D/24/3350669

13 Netherfield Gardens, Barking and Dagenham IG11 9TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr G Hussain against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/00558/HSE.
 - The development proposed is described as, *'6.320m rear extension. (Retrospective extension is built 320mm more than 6m prior approval)'*.
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Decision

1. The appeal is allowed, and planning permission is granted for development described as, *'6.320m rear extension. (Retrospective extension is built 320mm more than 6m prior approval)'* at 13 Netherfield Gardens, Barking and Dagenham IG11 9TL in accordance with the terms of the application, Ref 24/00558/HSE, and the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan – 13 Netherfield Gardens, Barking, IG11 9TL (1:1250); Block Plan Drawing No. N2-07; Pre-Existing and Existing Front Elevation Drawing No. N2-03; Pre-Existing and Existing Side Elevation (A) Drawing No. N2-04; Pre-Existing and Existing Side Elevation (B) Drawing No. N2-05; Pre-Existing and Existing Rear Elevation Drawing No. N2-02; Pre-Existing and Existing Ground Floor Plan Drawing No. N2-01; Pre-Existing and Existing Roof Plan Drawing No. N2-06.
 - 2) 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.

Procedural Matters

2. The works as described in the above banner heading has already taken place at the property. The appeal has therefore been assessed on a retrospective basis.
3. As part of my site visit, I was able to see the works that have already taken place on site which do not fully accord with the drawings submitted as part of this appeal. I have therefore determined the appeal based on the plans the Council based its decision on.
4. During the course of this appeal, the Council has adopted the London Borough of Barking and Dagenham's Local Plan 2020-2037, 2024 (LP). The policies outlined in the Local Development Framework Core Strategy (July 2010) and the Borough

Wide Development Plan Document (March 2011) have been superseded and replaced by the new LP policies. I have been provided with the relevant policies applicable to this scheme and have taken these into account in reaching my decision. Both parties have also had the opportunity to comment on this.

Main Issue

5. The main issue of the appeal is the effect of the development on the living conditions of existing occupiers of No 11 Netherfield Gardens (No 11) having particular regard to outlook and daylight/sunlight.

Reasons

6. The appeal site is a two-storey, end-of-terrace dwelling located on the north side of Netherfield Gardens. The site has recently received prior approval for a 6-metre rear extension under reference 23/00546/PRIEXT. This extension has been built but does not accord with the approved plans as it has been built to 6.32 metres rather than 6 metres in depth. As the limitation is exceeded, the whole development is unlawful, not just the element in excess of permitted development rights.
7. The development therefore seeks retrospective permission to retain the existing rear extension. It measures 6.32 meters deep and 6 meters wide. The extension has a flat roof with a height of 2.8 meters.
8. The Residential Extensions and Alterations Supplementary Planning Document, 2012 (SPD) provides specific design guidance for single storey rear extensions. It states that a single storey rear extension should not extend by more than 3.65 metres from the rear elevation of the dwellinghouse, specifically in order to avoid having a harmful impact on the neighbouring properties.
9. The extension abuts the site boundary with the neighbouring occupier No 11 adjoined to the northwest of the appeal site. However, No 11 has a small 2.2-metre-deep conservatory with solid wall to the eastern elevation which helps to screen a proportion of the extension. The extension therefore extends by 4.12 metres from the rear elevation of this conservatory.
10. The extension is visible from No. 11. However, its relatively low height and flat roof form, together with the limited overall depth from the rear elevation of No 11's conservatory, ensures that the extension is not visually overbearing for the occupiers of No.11. The orientation of No 11 and the positioning of the windows within the rear elevation also means that it has direct outlook over its own rear garden area where outlook is largely be retained with the extension being visible at an angle. The garden area of No 11 is of a good size with a good level of outlook generally. This, coupled with the overall size and scale of the extension, I do not consider it to have an overbearing impact on the outlook of existing neighbouring occupiers when utilising their garden space.
11. I appreciate that due to the depth of the extension from the rear elevation, it is in breach of the guidelines set out within the SPD. However, the development does not conflict with the overall purpose of the SPD which amongst other things, seeks to avoid having a harmful impact on neighbouring properties. Further, and whilst not determinative as part of this appeal, I am mindful that the General Permitted Development Order allows for a larger extension to that set out within the SPD

subject to limitations and conditions which the site has recently received albeit not built in accordance with the approved plans.

12. Given the overall limited height and depth particularly from the rear elevation of the neighbouring conservatory, the extension is not considered to significantly reduce the amount of sunlight/daylight reaching the rear windows and private garden of the attached property to a degree that would be harmful and does not result in poor living conditions for existing occupiers.
13. For the above reasons, the development does not unacceptably harm the living conditions of existing occupiers of No 11 having particular regard to outlook and daylight/sunlight. It therefore accords with Policies D4 of the London Plan, 2021 and Policies SP2, DMD1 and DMD5 of the LP which together, amongst other matters, explains that proposals should not significantly impact on quality of life for neighbouring residents. For the same reasons, the development also accords with section 12 of the National Planning Policy Framework relating to achieving well designed places and the SPD.

Conditions

14. I have considered the conditions suggested by the Council taking into account the retrospective nature of the appeal. I have included the approved drawings in the interests of certainty. I find it appropriate to attach the condition relating to materials in the interests of visual appearance. Given the retrospective nature of the appeal, I do not find it necessary to apply the standard time of commencement.

Conclusion

15. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR