



Appeal Decision

Site visit made on 6 May 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

Appeal Ref: APP/Z5060/D/25/3361792

16 Greenwood Avenue, Dagenham RM10 7DL

- 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 Cip Invest against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 24/01771/HSE.
 - The development proposed is described as 'Construction of a part two storey part single storey rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a part two storey part single storey rear extension at 16 Greenwood Avenue, Dagenham RM10 7DL in accordance with the terms of the application Ref 24/01771/HSE and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 29012-Proposed Ground Floor - 18/12/2024, 29013-Proposed First Floor and Roof Plans - 18/12/2024, 29014 - Proposed Elevations-18/12/2024, 29015 – Block Plans - 18/12/2024, Site Location Plan - 19/12/2024.
 - 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.

Background and Preliminary Matters

2. I have used the description on the planning application form in the banner heading removing words that are not development.
3. At the time of my site visit I observed that a single storey rear extension, hip to gable alteration and rear dormer extension have been erected. For the avoidance of doubt, I also confirm that my determination of the appeal is based on the drawings submitted with the original application.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 18 Greenwood Avenue, with particular regard to light and outlook.

Reasons

5. The appeal relates to a two-storey end of terrace dwelling that is located in a predominantly residential area. Typically, dwellings in the surrounding area are either terraced or semi-detached. The adjacent semi-detached dwelling, 18 Greenwood Avenue, is positioned at a 45-degree angle to the appeal dwelling.
6. The rear elevation of No.18, which faces the shared boundary with the appeal property, contains two ground floor windows serving a kitchen and a living room respectively, and two first floor windows serving a bathroom and a bedroom. The more sensitive habitable room windows are situated further away from the boundary line.
7. The proposed development would project outwardly from the rear elevation of the appeal dwelling by approximately 3m at both ground and first floor level. It would be set in from the shared boundary with No.18.
8. The Council has raised no objection to the single-storey element of the proposal, and there is no compelling evidence before me to disagree with that position, particularly in light of the fallback scheme permitted under reference 24/01328/PRIEXT that allows for a deeper extension.
9. The Council has claimed that the proposed first-floor element would infringe upon the 45-degree guideline as detailed in the Residential Extensions and Alterations Supplementary Planning Document 2012 (SPD). I am mindful of the SPD guidance, however it is necessary to consider the guidance flexibly, taking into account site-specific circumstances. The closest window at the ground floor of No. 18 serves a kitchen, which would experience limited change when noting the existing outbuilding, boundary fence and the presence of the fallback scheme, and the closest first floor window serves a bathroom with obscure glazing, limiting any material impact in terms of daylight or outlook.
10. The first-floor extension, as a result of its relatively limited depth, would project only slightly across the main habitable room windows of No.18, which are positioned further away from the shared boundary. I am therefore satisfied that any adverse effect on these rooms in terms of access to light or outlook would be minimal.
11. Having regard to the orientation of the properties, the limited depth of the extension, and the path of the sun, I find no compelling evidence to suggest that the proposal would cause undue overshadowing to No. 18 or its garden area. The spatial separation between the properties and the set-in from the boundary further mitigate any potential for harm.
12. I therefore find that the proposed development would not unacceptably harm the living conditions of occupiers of 18 Greenwood Avenue. As such, the proposal would not conflict with Policies SP2, DMD1, and DMD5 of the London Borough of Barking and Dagenham Local Plan 2020-2037 (2024), which amongst other matters, require development to consider the impact on the amenity of neighbouring properties, be designed in a sensitive and appropriate manner and not significantly impact on quality of life for neighbouring residents. For the same reasons, the proposed development also accords with section 12 of the Framework relating to achieving well designed places and the overall purpose of the SPD.

13. The Council has alleged conflict with The London Plan (2021), specifically Policy D4 which primarily relates to the design process and scrutiny. This Policy is principally strategic in nature and therefore has not been decisive in my findings.

Conditions

14. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the Framework and advice in the Planning Practice Guidance: Use of planning conditions. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty. A condition relating to materials is also reasonable and necessary in the interests of character and appearance.

Conclusion

15. For the reasons given above, the proposal would accord with the development plan as a whole, and there are no other relevant material considerations which indicate planning permission should be refused. The appeal should therefore be allowed.

SJ DESAI

INSPECTOR