

Appeal Decision

Site visit made on 4 March 2025 by M Jones

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/Z5060/D/25/3358769

45 Bevan Avenue, Barking, IG11 9NW

- 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 Gaza Sufaj against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 24/01419/HSE.
 - The development proposed is construction of a first floor rear extension.
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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.

Main Issue

3. The main issues are the effect of the development on the living conditions of the occupiers of adjoining neighbouring properties, with particular regard to privacy, outlook and light; and on the character and appearance of the appeal dwelling and local area.

Reasons for the Recommendation

4. The appeal dwelling is a two-storey terrace dwelling with an existing ground floor rear extension which extends into the garden, and a rear dormer. The appeal dwelling adjoins 43 Bevan Avenue to one side and No 47 to the other. Although the Council's officer report refers to the effects of the proposal on No 41 it is evident that this is an error and that No 43 is being referred to. There do not appear to be any other first-floor rear extensions on this terrace and such extensions appear to be uncommon in the similar terraces around the appeal site.
5. The local area is predominantly residential and characterised by largely uniform rows of terraced dwellings of similar orientation, form, scale and design which gives a sense of balance and rhythm to the local area and creates a distinctive character. The appeal property is part of several terraces which sit at a 90-degree angle to Bevan Avenue and are served by a non-vehicular access to the front and another to the rear. Both the front and rear elevations of these terraces are therefore visible from the public realm.

Living conditions

6. Neither Nos 43 or 47 have any rear extensions and both have ground and first floor rear windows. No 47 is a relatively wide property compared to the appeal site, while No 43 is much narrower. The Council's reason for refusal refers to a loss of privacy for neighbours, however its officer report sets out that overlooking is not actually a concern. The gardens of both neighbouring properties are already overlooked by existing windows in No 45 and other neighbours, therefore the new rear window in the proposed extension will not result in harmful additional overlooking or loss of privacy to those neighbours.
7. The outlook from the ground floor windows of Nos 43 and 47 is already restricted by the large ground floor rear extension of No 45 and the boundary fences. The outlook from their first-floor windows is however open and largely unrestricted. The proposed first-floor extension would extend across almost the full width of No 45, and while one corner would be shaved off and the other set in, it would still project well past each neighbouring window at first floor level.
8. The appellant has shown on the plans that the proposed extension would not breach a 45 degree line taken from the centre of the window of each neighbouring property. However, it would not comply with the Council's Residential Extensions and Alterations Supplementary Planning Document (2012) (SPD) which requires two-storey extensions to remain clear of a 45 degree line taken from the nearest corner of the adjacent property, not the centre of the window. This seeks to protect the living conditions of neighbours. The proposal would therefore clearly breach the notional 45 degree line set out in the SPD.
9. As a result of its height and depth, the proposed extension would be highly visible from the rear windows of both adjoining neighbours. Taken together with the existing ground floor extension, it would significantly increase the sense of enclosure for the ground floor windows and garden of Nos 43 and 47, creating a dominant and overbearing feature. Due to the depth and proximity of the proposed extension, the outlook from the first-floor rear windows of those properties would also be significantly and harmfully reduced despite the alterations to the corners. The proposal would therefore harm the living conditions of the occupiers of Nos 43 and 47 with respect to outlook.
10. The height and proximity of the proposed extension to the neighbouring properties would have some impact on daylight to the rear windows of both Nos 43 and 47, however it has not been demonstrated that this would be so significant as to harm the living conditions of the occupants.
11. Due to the orientation of the properties, the garden and ground floor window of No 47 are partly shaded by the terraced dwellings and the existing extension to No 45 in the morning and towards the middle of the day. The addition of a first-floor extension would increase the shading of the rear of that property during the middle of the day. While in itself this loss of light would not result in significant adverse effects, it would further harm the living conditions of the occupiers of No 47.
12. Consequently, although the proposed development would not harm the living conditions of the occupiers of the adjoining neighbouring properties with regard to privacy, it would harm their living conditions with respect to outlook and light. Therefore, the proposal would be contrary to Policies SP2, DMD 1 and DMD5 of the London Borough of Barking and Dagenham Local Plan 2020-2037 (2024) and

Policy D4 of the London Plan 2021, insofar as they require development to be well-designed and consider the impact on the amenity of neighbouring properties.

13. The proposal would also conflict with Sections 4.2 and 5.3 of the SPD, which state that extensions that cause a material loss of outlook and light will be considered unacceptable.

Character and appearance

14. The proposed development would be relatively modest in itself, however in combination with the existing rear extension and dormer it would result in significant bulk, mass and scale having been added to the rear elevation of the appeal dwelling. As a result, the rear elevation would appear unduly bulky compared to the modest scale of the original dwelling, and would not appear subordinate to it. Consequently, while the proposed extension would make use of available space, it would not complement the design and scale of the existing dwelling which forms an important part of its character.
15. Furthermore, the scale, design and positioning of the proposed development would make the rear elevation of the appeal dwelling appear markedly different to neighbouring properties, particularly given the relative lack of rear extensions in this and other similar terraces in the immediate local area. Consequently, the proposed development would add a disruptive element to the street scene at first-floor level, at odds with the uniform and balanced appearance of the terraced row at this height. This harmful visual disruption would be exacerbated by the siting and orientation of the appeal dwelling, which would make the proposed development particularly prominent and clearly visible from neighbouring gardens and the rear access way, and also visible from the public highway.
16. As a result, the proposed development would not achieve the high quality of design required by local and national policies, and would not be compatible with, or respectful of, the existing dwelling and development in the local area.
17. The appellant suggests that there are similar extensions in the area which reflect evolving local character and set a precedent for the type of development proposed in this case. For the appeal site, it is the particularity of the scale, design and form of the terraced rows that gives the local area its character. These factors do not appear to be as prevalent for the other properties referenced which appear to be end of terrace dwellings sited on public highways with a different scale and form to the appeal dwelling. Furthermore, it is evident from the photographs provided that many of their neighbouring properties have been extended and altered. Therefore, those examples are not seen in the same context as the appeal site.
18. I have very little detail of the extensions referenced at 82 Felton Road and 781 Green Lane. The extensions to 420 Lodge Avenue are at the rear with limited visibility. The sizeable extensions to 20 Lansbury Avenue and 43 Burnham Road are more visible, but are on large end-terraced properties and follow elements of the original form of the dwelling, including the roof form. While I have the decision notices for some of these permissions, I do not have the Council's officer reports, nor do I know what the properties looked like prior to the extensions being built. Some were also granted permission under previous policies. Therefore, it has not been demonstrated that they are similar in effect or circumstances to the appeal proposal, and these other examples carry limited weight.

19. In any event, planning decisions are determined on their own merits and do not set a precedent for other decisions. In this case, the fact that there are examples of rear extensions and alterations in the wider local area does not outweigh the harm the proposed development would cause to both the appeal dwelling and street scene as outlined above.
20. For the above reasons, the development would harm the character and appearance of the appeal dwelling and local area contrary to Policies DMD1, DMD5 and SP2 of the Local Plan and Policy D4 of the London Plan, which require high-quality design that respects and complements the character and appearance of the area and the original house and group of buildings of which it forms part.
21. The proposal would also conflict with the SPD insofar as it requires that developments respect and complement the character of the existing dwelling and local area, are of a high-quality design; do not cause harmful visual impact upon the street scene; and are sympathetic and subordinate to the design and form of the original dwelling.
22. Furthermore, there would be conflict with the National Planning Policy Framework, which states that good design is a key aspect of sustainable development, and that developments should be visually attractive and sympathetic to local character, and with the guidance for achieving high-quality design in the National Design Guide. For the reasons above, this would not be achieved in this case.

Other Matters

23. Although the site is not within a conservation area and the building is not listed, national and local policies still require high-quality design to be achieved even where there are no heritage designations. The absence of formal designations does not therefore weigh in favour of the proposal.
24. The lack of objection from neighbours is a neutral matter and does not override any of the considerations referred to in this report.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations that outweigh the harm identified and resulting conflict with the development plan. I therefore recommend that the appeal should be dismissed.

M Jones

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR