



Appeal Decision

Site visit made on 17 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/Z5060/D/24/3356592

8 Lucy Gardens, Dagenham, Barking and Dagenham RM8 3ES

- 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 H Amin against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 24/01368/HSE.
 - The development proposed is the construction of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed extension has already been constructed, and I am therefore dealing with this appeal retrospectively. The submitted site and block plans appear to show a rear extension at No 7, however this had been removed prior to my site visit. I have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the extension on the living conditions of the occupiers of 7 and 9 Lucy Gardens (Nos 7 and 9), with particular regard to daylight, sunlight and outlook.

Reasons

4. A 6-metre single-storey rear extension has been previously approved¹ under the prior approval procedure. If I were to dismiss the appeal, it is more than a theoretical possibility that the permitted scheme would be implemented. It therefore represents an established fallback position, and is a material consideration, to which I ascribe considerable weight in my decision.
5. The appeal site has an irregular-shaped plot as, after a short distance from the original rear elevation, the side boundary angles towards No 7. The rear extension follows the line of the boundary instead of projecting straight from the rear elevation as was previously approved. It fails to accord with the guidance in paragraph 5.3.2 of the Barking & Dagenham Residential Extensions and Alterations Supplementary Planning Document which states that, for a terraced house, the projection of a single-storey rear extension should not normally exceed 3.65 metres from the original rear wall of the house.

¹ Planning application ref. 22/01512/PRIEXT

6. In so doing, when considered along with its proximity, the extension has a looming effect, dominating the garden area closest to the house at No 7. This lessens the quality of the experience of it for users, imposing significantly and adversely on the outlook therefrom by being unacceptably overbearing.
7. As a result of the orientation of the properties, the angled wall of the extension would also cause a greater amount of overshadowing to this area of the garden in the morning hours when the sun is lower in the sky, making it a less pleasant area to use. Furthermore, the splayed part of the extension now projects directly in front of the kitchen window at No 7, harmfully reducing the outlook from this window.
8. The extension, as built, adjacent to No 9 is identical to the previously approved extension. As such the extension as built has no greater effect on the living conditions of the occupiers of No 9 than the fallback position of the previous approval.
9. Nevertheless, the extension does cause harm to the living conditions of the occupiers of No 7 through an unacceptable loss of daylight, sunlight and outlook. The appellant states that the triangle of garden area that currently contains the splayed part of the extension would otherwise be unusable. However, this would not justify the harm identified.
10. The extension therefore conflicts with Policies DMD1 and DMD5 of the London Borough of Barking and Dagenham Local Plan 2020-2037 (2024) and Policy D6 of the London Plan (2021). These policies seek for development to consider the impact on amenity and not to significantly impact on the quality of life of neighbouring residents, including through the provision of sufficient daylight and sunlight, minimising overshadowing and maximising the usability of outside amenity space.

Other Matters

11. The extension as built may provide improved habitable accommodation for the occupiers of the appeal property. However, the difference in internal space between the approved extension and the extension as built is small, and it has not been demonstrated that the approved extension would not provide adequate habitable accommodation. I therefore give this matter very limited weight which does not outweigh the harm identified above.

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR