



Appeal Decision

Site visit made on 25 November 2025 by S Wilson LL.B. MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2026

Appeal Ref: APP/Z5060/D/25/3367545

256 Westrow Drive, Barking and Dagenham, Barking, IG11 9BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Shima Akhtar against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref is 25/00567/PRIEXT.
 - The development proposed is a single storey rear extension.
-

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.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
5. Paragraph A.4(7) to Part 1 states that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
6. The decision notice includes references to the National Planning Policy Framework (the Framework), policies of the development plan and the London Borough of Barking and Dagenham Residential Extensions and Alterations Supplementary Planning Document (2012) (SPD). The principle of development is established

through the grant of permission by the Order, and I am required to assess the proposal as a prior approval application as set out within the parameters of the Order. Regard can be given to the Framework, the development plan policies, and the SPD insofar as they are material considerations, however they are not in themselves determinative.

Background and Main Issue

7. An objection to the proposed development was received from the owner or occupier of an adjoining premises. As a result, the prior approval of the local planning authority was required. Prior approval was refused due to the effect of the proposed development on the amenity of the adjoining property, no. 258 Westrow Drive, with particular regard to sunlight and daylight.
8. The main issue is therefore whether or not prior approval should be granted having regard to the effect of the proposed development on the amenity of the adjoining premises.

Reasons for the Recommendation

9. The appeal property is a two-storey end of terrace residential dwelling constructed on an approximate west to east axis, meaning the rear elevations of the terrace and their gardens face approximately east. No. 258, adjacent to the north, has a clear glass rear conservatory extension and is separated by an ordinary fence boundary treatment. Both No. 258 and the appeal property have good outlook directly over their own rear gardens and No 258 also has good daylight and sunlight entering the rear extension due to its predominantly clear glazed construction.
10. The proposal would introduce a single storey L-shaped rear extension with 3.65 metres (m) depth along the shared boundary with No.258, which would be a small distance beyond the rear extension at No. 258. There would be a setback of 2.44m, and the remainder of the proposal would be at a depth of 6m. The eaves height would be 3m, which would comply with the limits of the Order in paragraph A.1 (i). However, that would be a significant height above the existing boundary treatment.
11. The L-shaped design attempts to minimise the disruption to daylight and sunlight; however, due to the positional relationship directly south of No.258, in combination with the height, projection and proximity of the proposal, there would be harmful overshadowing and a resulting reduction in both daylight and sunlight to the clear glazed rear extension and the kitchen.
12. I acknowledge that the appellant has attempted to design a proposal that is not oppressive or visually intrusive and has attempted to comply with Council Policies. The 3.65m element of the proposal along the boundary with No. 258 would align, in part, with guidance within the SPD regarding depth from the rear elevation. However, the overall depth of the proposal would be 6m which does not comply with paragraph 5.3.2 (a) of the SPD.
13. In addition, and whilst by itself it is not a determinative factor, the guidance within the SPD at paragraph 4.2.3 seeks to ensure that the positioning of extensions does not overshadow neighbouring dwellings by considering the scale of the extension and the positioning in relation to clear glass extensions such as conservatories. Given the height, projection and proximity, the proposal would have an adverse effect on the rear glass extension and would be contrary to guidance.

14. Number 260 Westrow Drive (No. 260) has been brought to my attention. It has a similar depth rear extension along the boundary with No. 258. However, I have not been provided with any substantive detail regarding that development and therefore I cannot be certain whether that scheme was granted under prior approval; if it was an application determined in accordance with the development plan; or whether it even has planning permission at all. In this regard I cannot be certain that No. 260 is a comparable scheme to the subject appeal. Even if I had that detail, No. 260 is located adjacent to and north of No. 258. For the reasons outlined, No. 260 is materially different to the subject appeal and therefore I afford it little weight.
15. Two appeals have been brought to my attention. The first¹ was an appeal against the refusal to grant planning permission which requires development to be assessed in accordance with the development plan unless material considerations indicate otherwise. That is different to an appeal against the refusal to grant prior approval required under the Order. In the subject appeal the principle of the development is established by the Order, and the provisions therein do not require regard be had to the development plan. I therefore differentiate that appeal and afford it limited weight.
16. The second appeal² was materially different to the subject appeal in that No. 9 had a south facing rear elevation. In the subject appeal the rear elevation faces east and is subject to materially different conditions. As such I differentiate that appeal and afford it little weight.
17. I acknowledge that the proposal would provide additional living space for the appellant and their family members. However, this is not a relevant factor in the consideration of whether to grant prior approval.
18. Furthermore, whilst the openness of more than half of the garden of No. 258 would be unaffected by the proposal and there would not be a sense of enclosure, this would not justify the harm found above.
19. I therefore conclude that the proposed development would have an unacceptable impact on the amenity of adjoining premises.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson INSPECTOR

¹ APP/W5780/D/15/3136737

² APP/W5780/D/21/326998