Appeal Decision

Site visit made on 30 April 2018

by Joanna Reid  BA(Hons) BArch(Hons) RIBA
an Inspector appointed by the Secretary of State

Decision date: 9 May 2018

Appeal Ref: APP/Z5060/D/18/3195422
24 Mill Lane, Chadwell Heath RM6 6TU

- 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 Mrs Choudry against the decision of the Council of the London Borough of Barking & Dagenham.
- The application Ref 17/01516/FUL, dated 11 September 2017, was refused by notice dated 28 November 2017.
- The development proposed is single storey rear and part first floor rear extension.

Decision

1. The appeal is allowed and planning permission is granted for single storey rear and part first floor rear extension at 24 Mill Lane, Chadwell Heath RM6 6TU in accordance with the terms of the application,Ref 17/01516/FUL, dated 11 September 2017, subject to the following conditions:
   1) The development hereby permitted shall begin not later than three years from the date of this decision.
   2) The development hereby permitted shall be carried out in accordance with the approved plans numbered sp1788-1, sp1788-2 and sp1788-3.
   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.

Main issue

2. The main issue is the effect that the proposed development would have on the living conditions of the occupiers of 22 Mill Lane with regard to outlook and daylight.

Reasons

3. The mainly 2-storey semi-detached appeal dwelling is sited on the east side of Mill Lane between the attached dwelling at 22 Mill Lane, to roughly south, and the garden of the mainly 2-storey maisonettes at 6 and 8 Eagle Avenue, which are set back from Mill Lane, to roughly north. At my visit I saw the appeal site from the good-sized back gardens at 22 and 24 Mill Lane. The proposal includes a fairly deep ground floor rear extension that would be nearly as wide as the site and a narrower shallower first floor rear extension.

4. The Barking and Dagenham Residential Extensions and Alterations Supplementary Planning Document (SPD) advises that the depth of a single
storey rear extension should not normally exceed 3.65 m to ensure that there is no material loss of daylight and outlook to neighbouring properties. Because the single storey rear extension would be deeper than this, it would be contrary to this advice. The 2-storey rear extension would be a little deeper than its distance from 22 Mill Lane. This would also be contrary to advice in the SPD.

5. However, due to the orientation, width and depth of the back gardens at 22 and 24 Mill Lane, and their relationship with nearby development, the occupiers enjoy well-lit open aspects from the rooms at the backs of their homes, and in their gardens close by. The single storey rear extension would be very close to the side boundary with 22 Mill Lane. Even so, its eaves would be only a little taller than the boundary treatment that could be erected using permitted development rights. Its low pitched roofed form would rise up from the eaves by the boundary to its ridge further away, so the scale and form of the single storey extension would have little visual impact on the outlook of the occupiers at 22 Mill Lane. Because the hipped roofed first floor rear extension would be an ample distance from the common side boundary, its sympathetic form would more than make up for its marginally greater than advised depth. So, the scale, form and siting of the proposed development would not harm the outlook of the occupiers of 22 Mill Lane in their home or in their back garden.

6. The Council has not provided technical evidence regarding daylight. However, having regard to the scale, siting, form and orientation of the proposed extension and its relationship with the dwelling and garden at 22 Mill Lane, it would not cause an unacceptable loss of sunlight or daylight to its occupiers.

7. Therefore, I consider that the proposed development would not harm the living conditions of the occupiers of 22 Mill Lane with regard to outlook and daylight. It would satisfy Policy BP8 of the Barking and Dagenham Borough Wide Development Policies Development Plan Document (DPD) which aims for development to not lead to significant overlooking or overshadowing, DPD Policy BP11 which aims to maintain residential amenity, and the National Planning Policy Framework (Framework) which seeks a good standard of amenity for all existing and future occupants of land and buildings. Whilst the proposal would conflict with the letter of some of the advice in the SPD, it would satisfy its aims.

Other matters

8. In response to concerns raised by an interested party, there is a tall wall between the appeal dwelling and the maisonette at 8 Eagle Avenue and their gardens, so the single storey extension would have little effect on sunlight and daylight and little visual impact at 8 Eagle Avenue. The first floor extension would be seen from the maisonette and its garden. However, due to the relationships between these dwellings, it would not cause an unacceptable loss of sunlight or daylight or have a harmfully overbearing or oppressive effect on the maisonette or its garden. The window in the end wall of the first floor extension would be well away from the side boundary and it would be further still from the living room window at 8 Eagle Avenue, so it would not cause a harmful loss of privacy to the occupiers of that maisonette or its garden. There is almost no evidence to show that the extension could not be built without damaging the wall by the side boundary, so this matter attracts little weight.

9. Thus, as the proposal would be acceptable, planning permission should be granted subject to the imposition of suitable planning conditions.
Conditions

10. The Council’s suggested conditions have been considered in the light of Framework paragraph 206 and Planning Practice Guidance. The condition identifying the approved plans is necessary for certainty, and the condition to control external materials is reasonable to protect the character and appearance of the area. The suggested conditions have been imposed.

Conclusion

11. For the reasons given above and having regard to all other matters raised, the appeal succeeds.

Joanna Reid
INSPECTOR