

Appeal Decision

Site visit made on 6 September 2016

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2016

Appeal Ref: APP/T5720/D/16/3151864
53 Sandringham Avenue SW20 8JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Claud Rapose against the decision of the Council of the London Borough of Merton.
 - The application Ref 16/P0502, dated 5 February 2016, was refused by notice dated 16 March 2016.
 - The development proposed is ground floor rear extension.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a ground floor rear extension at 53 Sandringham Avenue SW20 8JY in accordance with the terms of the application Ref 16/P0502, dated 5 February 2016, in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO

Application for costs

2. An application for costs was made by Mr Claud Rapose against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

Procedural Matter

3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

4. Schedule 2, Part 1, Paragraph A.4 of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019, paragraph (g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6 metres in length and 4m in height for properties
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other than detached dwellings. The appeal proposal is for a ground floor rear extension to a mid-terraced property. It would extend beyond the rear wall of the original dwelling by 6 metres with a maximum height of 3 metres and an eaves height of 2.8 metres. There is no dispute that this falls within the scope of the GPDO.

5. The Council notified the occupiers of the neighbouring properties of the proposal and objections were received from the occupants of Nos. 51 and 55 Sandringham Avenue. Prior approval was subsequently refused.
6. The neighbouring property No 51 has a predominantly glazed extension which extends across the rear of their property. It lies adjacent to their common boundary with the appeal property, which is delineated by an approximately 1.5m high boundary fence. The proposed development would extend approximately 3.5m beyond this extension. Consequently, although the proposed extension would be visible from the windows of the extension at No 51, given its extent in terms of length and height, and taking into account the boundary fence; it would not appear overbearing or unduly enclosing. Furthermore, due to the position of the proposed extension and its orientation relative to No 51, it should not give rise to any significant loss of light.
7. No 55 Sandringham Avenue has a single storey extension which extends some 3 metres beyond its rear elevation and adjoins the common boundary of the appeal site which is also delineated by a fence of approximately 1.5m in height. The extension's rear elevation is full glazed with bi-fold doors and there are 4 roof lights within its roof providing plenty of natural light to their living/kitchen area. The proposed development would extend 3 metres beyond this extension, and although it would be situated to the south of No 55, in view of its single storey nature and length, I do not consider that it would be overbearing or result in any significant loss of light or overshadowing to either the kitchen/living area or garden of No 55.
8. I note the concerns raised by the Council and neighbours regarding the scale of the extension in relation to the terrace, erosion of limited garden space, and concerns regarding drainage. However, these are not matters that fall to be considered under the provisions of the GPDO.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraph A.4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019, and that the developer shall notify the local planning authority in writing of the completing of the development as soon as reasonably practical after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Elizabeth Pleasant

INSPECTOR