



Appeal Decision

Site visit made on 20 May 2016

by G J Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/B5480/D/16/3143999

4 The Ridgeway, Gidea Park, Essex, RM2 5BU

- 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 Naweed Doomunkhan against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0293.15, dated 29 December 2015, was refused by notice dated 28 January 2016.
 - The development proposed is the erection of a single storey ground floor rear extension.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for erection of a single storey ground floor rear extension at 4 The Ridgeway, Gidea Park, Essex, RM2 5BU in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO, and subject to the following conditions:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no window or other opening (other than those shown on the appeal plans,) shall be formed in the flank walls of the buildings hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
 - 2) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
 - 3) Any windows proposed to be installed in the side elevations of the development hereby approved shall be fixed in a position as to be unopenable/permanently closed, with all glazing to be obscure, and must not incorporate vents or any other permeable features.

Procedural Matters

2. The Council's decision notice for the application to which this appeal relates, states that it was determined in accordance with the process set out in *The Town and Country Planning (General Permitted Development) Order 1995 (as amended)*. This has been superseded by *The Town and Country Planning*
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(General Permitted Development) (England) Order 2015 (as amended) (the GPDO). I have determined the appeal in accordance with the process set out in this revised version of the GDPO.

3. The provisions of the GDPO require the local planning authority to assess the proposed development solely on the basis of whether it is eligible to be permitted development, as set out within the Order, and if so, consider its potential impacts 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.

Main issues

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of surrounding properties, with particular regard to the occupiers of 2 The Ridgeway and 6 The Ridgeway, in respect of outlook, sunlight and daylight, and loss of privacy; and whether prior approval can be granted.

Reasons

5. The appeal site accommodates a two-storey, mid-terrace dwelling with a long rear garden. An existing single-storey extension projects from part of the original rear wall of the house. The appeal proposal would replace the existing extension with a larger single-storey rear addition extending across the full width of the property. The appeal plans indicate that the extension would have a length of about six metres, measured from the dwelling's original rear wall, and a height of around three metres. Class A.4 of the Order allows for the assessment of such dwelling extensions under permitted development procedures, subject to the considerations and consultation processes as set out therein. However, development is not permitted where the proposal would not fall within any of the restrictions within Class A.
6. Paragraph A.1(g) of the Order states that until 30th May 2019, a dwellinghouse on a site not subject to any of the identified protective designations can benefit from the addition of an extension projecting up to a maximum depth of six metres from the rear wall of an existing terraced dwellinghouse, and have a single storey not exceeding 4 metres in height. The proposed extension is within these parameters, and therefore represents permitted development for which prior approval is required, as set out in Schedule 2, Part 1, Paragraphs A.1(f) and A.4 of the GPDO. The latter paragraph requires the local planning authority to consider the impact of the proposed development on the "amenity of adjoining properties", taking into account their existing and future occupiers.
7. The proposed extension would directly abut the neighbouring properties at 2 The Ridgeway and 6 The Ridgeway, which together with the appeal dwelling, and one other, make up a terrace of four houses. The long, narrow rear gardens of these properties are separated by low fences, allowing clear views into neighbouring gardens. There is an existing single-storey rear extension at No. 6, although this occupies only part of the property's width, and does not abut the appeal site or the proposed extension.
8. I have considered the concerns of the occupier of No. 6, and the Council. These suggest that, in rearward views from the habitable room and rear door of No. 6, the combined effect of the existing rear extension at No. 6, and

proposed extension on the appeal site, could enclose the patio of No. 6, thereby creating a 'tunnel' effect. The proposed extension's wall would abut the joint boundary, extending 6 metres rearward from the rear door of No. 6. Whilst I acknowledge the parties' concerns that this wall could appear overbearing, it would have a low height profile that would not dominate the garden. Importantly, I have compared the effects of the proposed extension with those of the existing extension on the appeal site, and note their similar eaves heights. In comparing the effects on No. 6 of this existing structure, and those of the proposed extension, I consider that there would be minimal incremental harm resulting from such effects of the longer rear extension, when compared with the impact of the existing extension.

9. Similar concerns were expressed by the occupiers of No. 2, which does not have a rear extension. I have considered the Council's comments that the additional length of the extension would result in a "wall of development" enclosing the patio area of No. 2. Again, the additional enclosure of the neighbouring property's rear garden would be a result of the incrementally increased depth of the proposed extension when compared with the existing. However, I acknowledge that the cumulative impact of the extended wall boundary would appear significantly larger than that of the present side wall. The appellant has pointed out that the extension would only be slightly higher than a conventional boundary fence, which could be erected without the benefit of planning permission. However, in this case, the extension would replace a low boundary fence and there would be a substantial difference between the existing and proposed levels of enclosure. No. 2 benefits from its end-of-terrace position which allows for a slightly more spacious and open garden area; therefore although this garden would gain three metres of additional enclosing wall on one side, the direct rearward view from the dwelling would remain unobstructed. The proposed extension would also contain a window directly abutting the boundary, which would be visible from No. 2, and would provide a degree of visual relief.
10. I have also considered the impact of the current extension on the appeal site, in assessing the proposed extension's impact on the enjoyment of sunlight and daylight by the occupiers of Nos. 2 and 6. Given that the additional length of the extension would be at least three metres from the rear doors of both neighbouring houses, the development would have no significant effect on the amount of sunlight reaching the rear-facing openings of either dwelling. Although there may be slightly lower levels of daylight within the garden areas adjoining the extension, any decrease be minimal and unlikely to affect the occupiers' enjoyment of their properties.
11. The current extension is visible from the upper floor windows of Nos. 2 and 6, thus the increased depth of the proposed extension would be clearly apparent, approximately doubling the visible roof area, compared with the current structure. However the proposed extension's low profile will limit its visibility from within upper floor rooms, except when viewed from a position immediately next to rear-facing windows. Although this would have a mildly detrimental impact on the outlook of the neighbouring occupiers, only these immediate views would be affected, and there would be no impact on the wider lateral views of the open back garden space. Additionally, the extension would not be visible within from most areas of the affected upper floor rooms, for the reasons that I have just identified. As such, this impact is not considered sufficient to justify a dismissal of this appeal.

12. My attention has also been drawn to a possible loss of neighbours' privacy arising from the windows proposed in the side walls of the extension, which would directly open into the gardens of Nos. 2 and 6, on either side of the appeal site. The appellant has proposed a condition requiring these windows to be fixed in a shut position and obscure glazed. This would prevent overlooking of Nos. 2 and 6 from within the proposed extension, and would preserve the privacy of the adjoining occupants. As such, I consider that there would be a minimal resultant impact, and that neighbouring occupants' living conditions would not be significantly harmed.
13. I therefore conclude that the proposed development would not have a harmful effect on the living conditions of the occupiers of surrounding properties, with particular regard to the occupiers of 2 The Ridgeway and 6 The Ridgeway, in respect of outlook, sunlight and daylight, and loss of privacy. Taking these considerations into account in line with the advice set out within Schedule 2, Part 1, paragraph A.4 of the GPDO, I consider that the proposal falls within the definition of permitted development, for which prior approval can be granted.

Conclusion and Conditions

14. 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 Paragraphs A4 (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 completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.
15. Under paragraph A.4 (12), Schedule 2, Part 1 of the GPDO, an approval may be subject to conditions that are reasonably related to the impact of the proposed development on the amenity of any adjoining premises. I have assessed the suggested conditions provided by the Council and the appellant, and consider that they are both reasonable and necessary, specifically in respect of preventing overlooking of neighbouring properties, and preserving the privacy and living conditions of the occupiers.

G J Rollings

INSPECTOR