
Appeal Decision

Site visit made on 7 December 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 5 January 2017

Appeal Ref: APP/W5780/C/16/3151470
92 Blythswood Road, Ilford, Essex IG3 8SG

- The appeal is made by Abdur Rashid under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: E1199/14) issued by the Council of the London Borough of Redbridge on 22 April 2016.
 - The breach of planning control alleged in the notice is "the erection of a rear ground floor extension and rear first floor extension".
 - The requirements of the notice are as follows: -
 - “(i) Remove the unauthorised rear ground floor and first floor extensions, and
 - (ii) Remove from the land all resulting building materials, rubble and debris arising from complying with step (i) above.”
 - The period for compliance with these requirements is six months
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g).
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the erection of a rear ground-floor extension and a rear first-floor extension at 92 Blythswood Road, Ilford, Essex IG3 8SG.

Reasons for the decision

Ground (c)

2. The Council contend that what has occurred is the concurrent implementation of a prior approval notification for a single-storey rear extension (ref: 1838/14 – prior approval was not required) and a householder planning permission for a two-storey and single-storey rear extension (ref: 1497/12). The basis of the Council's argument is that, as a result of the extensions being implemented concurrently, the prior-approval extension is no longer permitted development.
 3. What appears to have occurred is that the appellant has put together parts of the permission 1497/12 and the prior-approval extension (the prior-approval extension being in effect a small increase in the depth of the single-storey element of 1497/12). The parts seem to have been constructed as a single building project, although there are separate extensions at each level and the first-floor extension, being a smaller structure that rests on a central part of
-

the roof area of the ground-floor extension, could not have been built until the ground-floor extension had been substantially completed.

4. Nevertheless, I cannot avoid reaching the conclusion that, although its constituent parts have been through planning procedures, "the enlarged part" in this case, looked at as a whole, is the combined project. As such, it does not comply with paragraph A.1(h) of Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, because it has more than a single storey and its ground floor extends beyond the rear wall of the original house by more than 3 metres. Planning permission is required and the appeal on ground (c) has therefore not succeeded.

Ground (a)

5. The main issues in deciding whether the development enforced against should be approved are its effects on the character and appearance of the house and the amenities of neighbours, taking into consideration the planning history described above.
6. The Council accept that the first-floor extension was assessed as part of permission 1497/12 and was considered to be appropriate, being 3 metres deep and set in 2 metres on each side from the boundaries of the property. The Council point out that this assessment was made in conjunction with the four-metre single-storey extension proposed in 1497/12, which was also considered to be appropriate.
7. The Council now argue that because the first-floor extension has been built in conjunction with the prior approval extension, which has a depth of 5 metres, the development as a whole has an adverse impact because of its cumulative depth and scale. However, it is difficult to understand how the development can now be unacceptable, cumulatively, when its constituent parts have previously been found to be acceptable, and the Council have not explained how this can be. The impact of the first-floor extension has not changed as a result of the single-storey extension being a metre deeper.
8. I have assessed the development as it has been built, taking into account all the representations I have received and what I saw when I inspected the property and its surroundings. There are many examples of rear extensions in this area and the development is not in my opinion out of keeping with either the property itself or its surroundings. There may be some loss at certain times in the amount of sunlight reaching the neighbour's conservatory and garden on the northern side, but I do not regard this as being unduly harmful to the neighbour's amenities. In other respects, neighbours' amenities, including their outlook, have been preserved.
9. Criterion (f) of Strategic Policy 3 of the Redbridge Core Strategy states that all new development should respect the amenity of adjoining properties and the locality generally. Policies BD1 and BD5 of the Redbridge Borough Wide Primary Policies Development Plan Document seeks through several criteria to protect local character and appearance and neighbours' amenities and the design and appearance of house extensions. I do not consider that the development has had a sufficiently significant impact to bring it into conflict with any of these policies.

10. For the above reasons, I have concluded that there are insufficient reasons to justify refusing planning permission for the development. The appeal has therefore succeeded on ground (a) and planning permission has been granted. It has not been suggested that any planning conditions should be imposed in this event and I do not consider that any are required.

Grounds (f) and (g)

11. The enforcement notice has been quashed as a result of the success of the appeal on ground (a). Grounds (f) and (g) no longer fall to be considered.

D.A.Hainsworth

INSPECTOR