

Appeal Decision

Site visit made on 5 January 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 16th January 2017

Appeal Ref: APP/U5930/D/16/3156100

46 Marmion Avenue, Chingford, London E4 8EP

- 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 Dr Momin Alizadeh against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 161861, dated 8 June 2016, was refused by notice dated 20 July 2016.
 - The development proposed is a single storey 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 single storey ground floor rear extension at 46 Marmion Avenue, Chingford, London E4 8EP in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO.

Procedural Matter

2. The provisions of The Town and Country Planning (General Permitted Development) 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

3. Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019 Paragraph A.1(g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6m in length (for an attached dwellinghouse) and 4m in height.
 4. The appeal property is a two storey end of terrace dwelling which has previously been extended by a single storey addition of around 1.5m in
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depth across its full width. At the time of my site visit this had been demolished. The present proposal is for a full width single storey extension. This would be stepped so that it would be around 3m in depth at the shared boundary with No 48 Marmion Road, increasing in depth to around 5m at around 2m from the boundary with No 48 across the remaining area. It would have a maximum height of around 3m, and a flat roof to around 3m in depth, with a pitched roof over the remaining area.

5. Having notified neighbouring occupants of the proposed development, an objection relating to loss of sunlight and outlook was received by the Council from the occupant of No 48 Marmion Road. This resulted in the need for the Council's prior approval in respect of the impact of the proposed development on the amenity of any adjoining premises, which was refused.
6. The Council explain that the proposed extension *by virtue of its overall size and overbearing character would result in a loss of outlook and diminished access to sunlight* for the occupiers of No 48. No 48 adjoins the appeal property to the west. It has a small single storey addition on its rear elevation at the shared boundary with No 46, and two ground floor windows which I assume are to habitable rooms.
7. However, the presence of the existing small extension to No 48 would screen the proposed development to some limited degree. This, and the fact that the proposal would be stepped away from the shared boundary with this property, would limit its interference in views from the rear windows of No 48. I noted on my site visit that the property adjoining the other side of No 48, No 50, has a shallow two storey extension adjoining its shared boundary with No 48. I also recognise that these properties are located on relatively narrow plots. On this basis the objector has expressed concerns about a possible tunnelling effect. However, my view is that the degree of harm generated by the addition of the present proposal would, by virtue of it being single storey and with a stepped layout, be within acceptable limits.
8. As the rear elevations of these properties are north facing they receive a limited amount of direct sunlight. In this respect the degree of interference generated by the proposed extension would be negligible. Whilst the parties have not referred to the effect of the proposal on the daylight reaching the rear elevation of No 48, given the stepped nature of the appeal proposal I do not consider that any effect would be significant.
9. I note the additional concern raised by the neighbouring occupant about the effect of the extension on moisture levels in his garden, but this matter does not fall to be considered under the provisions of The GPDO.

Conclusion

10. 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 A.4 (13), (14) and (15) that the development shall be completed on or before 19th 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.

11. The GPDO at Schedule 2, Part 1, Paragraph A.3 permits development subject to a condition that materials are of a similar appearance to that of the existing dwellinghouse and therefore attaching an additional condition to this effect, as suggested by the Council, is not necessary.

AJ Mageean

INSPECTOR