
Appeal Decision

Site visit made on 31 January 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 14 February 2017

Appeal Ref: APP/W5780/D/16/3165142

20 Glenwood Gardens, Ilford, Essex IG2 6XT

- 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr R Pervez against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 5313/16, dated 11 November 2016, was refused by notice dated 6 December 2016.
 - The development proposed is single storey rear extension with skylights in roof.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Schedule 2, Part 1, Class A, Paragraph A.1.(g) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) sets out that development is not permitted if the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 6 metres (m). This applies to terraced dwellings, such as the appeal property. Whilst not specified on its decision notice, the Council raises a concern within its officer's report that the proposed rear extension does not meet this requirement. This is due to an existing store structure in the rear garden of the appeal property which the proposed rear extension would adjoin and part of which would extend beyond 6m from the rear wall of the original dwelling.
3. However, according to the submitted plans, there would be no direct access from the proposed rear extension to the existing store structure. The existing store structure would not therefore form part of the proposed rear extension. Consequently, in my mind, it is only the proposed rear extension that would constitute the enlarged part of the dwellinghouse. As such, I am satisfied that the proposal would comply with the provisions of Schedule 2, Part 1, Class A, Paragraph A.1.(g) of the GPDO and would, in this regard, constitute permitted development. I have determined the appeal on this basis.

Background and main issues

4. Schedule 2, Part 1, Class A, Paragraph A.4.(7) of the GPDO states that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to
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the impact of the proposed development on the amenity of any adjoining premises. The occupiers of 18 Glenwood Gardens have objected, citing outlook and daylight and sunlight as the basis for their objection. Having considered these matters, these were also the reasons that the prior approval was refused by the Council.

5. I therefore consider that the main issue in this case is the effect of the proposed rear extension on the living conditions of the occupiers of 18 Glenwood Gardens with particular regard to outlook and daylight and sunlight.

Reasons

6. The appeal property is two storey end of terrace dwelling located within a wider residential area. No 18, which immediately adjoins the appeal property, has a set of rear facing glazed patio doors which are likely to serve one of the main habitable rooms of the house. These patio doors are located in close proximity to the shared boundary of the appeal property, which comprises a wooden fence.
7. The height of the shared boundary fence appeared to me to be typical of such residential garden boundary treatment. This, combined with the lack of any existing rear extensions to the appeal property, is likely to maintain a good level of outlook from the patio doors for the occupiers of No 18 and is likely to maintain a strong sense of space and openness in respect of their rear garden. These factors are also likely to allow a good level of daylight to penetrate into the habitable room which the patio doors serve. Moreover, the orientation of the submitted block plan suggests that these patio doors and the garden of No 18 are south-east facing. Having regard to the path of the sun, which travels in an east to west direction, the habitable room which the patio doors serve is also likely to experience a good level of sunlight throughout the day.
8. The proposed rear extension would be approximately 3m in height and would extend 6m from the rear elevation of the appeal property along the shared boundary with No 18.
9. The substantial increase in the height of built form in close proximity to the patio doors of No 18, combined with the considerable length of built form along the shared boundary, would result in an overwhelming sense of enclosure to these patio doors for the occupiers of this property. For the same reasons, it would also erode the sense of space and openness to the part of the rear garden of No 18 closest to the house. In addition, the height and close proximity of the proposed rear extension would result in an unacceptable loss of daylight to the habitable room which the patio doors serve. Moreover, it would considerably overshadow the rear patio doors and rear garden of No 18 for much of the morning.
10. I note that the compass point shown on the submitted plans indicates that the rear patio doors and the rear garden of No 18 have a different aspect to that described above. This compass point suggests that they are west facing. Nevertheless, even if this is the case, the proposed rear extension would still overshadow the patio doors and the part of the rear garden nearest the house during the afternoon and early evening and therefore for a considerable part of the day. Moreover, the overbearing effects and loss of daylight for the occupiers of No 18 would still prevail.

11. Consequently, I conclude that the proposed rear extension would result in significant harm to the living conditions of the occupiers of No 18 in respect of loss of outlook, daylight and sunlight. This would greatly reduce the enjoyment of their home and garden. The proposed rear extension would therefore conflict with the broad aims and objectives of the National Planning Policy Framework which seek to secure a good standard of amenity for all existing occupants of land and buildings. As such, I consider that the Council was right to refuse prior approval under the provisions of Schedule 2, Part 1, Class A of the GPDO.

Other matters

12. The appellant makes reference to other examples of similar rear extensions in the area either approved by the Council or allowed on appeal. However, no detailed information has been provided to allow any informed comparisons to be made between those rear extensions and the proposed rear extension I am to consider under this appeal. I therefore afford little weight to these examples and as such, they do not justify an approval in this instance. In addition, each case must be determined on its own merits.

Conclusion

13. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR