
Appeal Decision

Site visit made on 21 November 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 24th February 2017

Appeal Ref: APP/J0350/D/16/3154367

29 Merton Road, Slough, Berkshire SL1 1QW

- 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 Alan Counter against the decision of Slough Borough Council.
 - The application Ref Y/03798/006, dated 31 May 2016, was refused by notice dated 2 June 2016.
 - The development proposed is the erection of a larger single-storey rear extension.
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Decision

1. The appeal is allowed and approval 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 the erection of a larger single-storey rear extension at 29 Merton Road, Slough, Berkshire SL1 1QW in accordance with the terms of the application Ref Y/03798/006, dated 31 May 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority: Existing ground floor plan Drawing No MR1; Existing south-east (side) elevation Drawing No MR.02; Ground floor plan Drawing No MR.05; Site plan Drawing No MR.06; South east (side) elevation Drawing No MR.07; North-east (rear) elevation Drawing No MR.08; North-west (side) elevation Drawing No 09.

Procedural matters

2. The applicant's name in the heading above is that given on the Developer Notification form. However, it has come to light that the actual applicant is Mr Iftakhar Ahmed. Notwithstanding this, the name on the form has no material bearing on my consideration of the appeal's merits.
 3. The Council has refused approval on the basis of its view that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by paragraph A.1(g) of the GPDO (i.e. a larger single storey rear extension) as required by paragraph A.4(3)(a). Paragraph A.4(4) is clear that such a refusal is to be treated as a refusal of an application for approval. In these circumstances, the same paragraph provides that the Council is not required to notify adjoining occupiers about the proposed development.
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4. However, as I am allowing the appeal for the reasons set out below, prior approval cannot be granted unless the appropriate consultation has been carried out as required by of paragraph A.4.(5) of the GPDO. Such consultation has now been carried out and a representation has been received from the occupier of the next door property (no. 31 Merton Road). 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

5. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019, Paragraph (ea) of that Class makes provision for single storey rear extensions up to 6m in length and 4m in height. However, Paragraph A.1(j) of the GPDO says that development is not permitted where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (iii) have a width greater than half the width of the original dwellinghouse. It is on this basis that the Council has refused the application.
6. The Council refused the application on the basis that the proposal would extend beyond the rear wall of what it considers to be an existing side extension. However, the appellant has provided a title plan that clearly shows a single-storey garage at the side of the main part of the dwelling along with photographs. This information shows matching brickwork and no obvious signs of disruption of the brickwork on the main part of the house that may have resulted from tying in the garage's rear wall. Although this information was submitted after its decision was issued, the Council have had the opportunity to comment on it.
7. On the balance of the available evidence, my own observations on site and in the absence of anything to the contrary, I have no reason to doubt the appellant's argument that the garage forms part of the original dwellinghouse.
8. The proposed extension would project around 6m from the rear of the original building and have an eaves height of about 2.4m. The extension would have a part pitched, part flat roof that would result in an overall height of around 3m. These dimensions clearly fall within the parameters of the GPDO and I therefore consider the proposal meets the requirements for permitted development.
9. I now turn to the amenity of the neighbour at no. 31. This dwelling is orientated at an angle to the tapering side boundary with the appeal property. Because of this arrangement, the proposed extension would point away from no. 31's rear elevation even though it would meet the boundary where it would join the existing flat roofed part of the dwelling (now in use as a family room). Therefore, only very oblique views of the new part of the building would be possible. Taking this into account in combination with the single-storey height of the proposal and that nearly all of its southern elevation would taper away from the garden boundary fence, I am not persuaded that the outlook from no. 31 would be materially affected. Furthermore, the mature trees that can be seen from no. 31 would remain prominent above the height of the extension.

10. I note the concern in relation to potential noise from bi-folding doors. However, I have no evidence to indicate that these will produce a greater level of noise than the existing doors that currently give access to the appeal property's rear garden or that they are incompatible with an urban residential situation.
11. In terms of overshadowing, the proposed extension would be positioned to the north of no. 31 so there would be no effect on the amount of sunlight reaching its rear garden or rear rooms.
12. No. 31's occupier refers to a previous appeal decision¹ relating to the appeal property. However, this has no bearing on the matter at hand which is whether the proposal is permitted development under the GPDO provisions.

Conclusion

13. For the reasons given above, I have concluded that the appeal should be allowed and approval granted.
14. Having regard to paragraph A.4(11)(b), I have imposed a condition requiring the development to be carried out in accordance with the plans submitted to the Council with the application unless it is agreed otherwise in writing. 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. The Council has suggested the use of specific conditions relating to the time limit and matching materials. However, the GPDO Provides the standard time limit, as set out above and also provides (at A.3) that development is permitted subject to the condition that the materials used in its construction shall be of similar appearance to the existing dwellinghouse. I have not therefore imposed these suggested conditions.

Hayden Baugh-Jones

Inspector

¹ Ref APP/J0350/A/13/2202314