

Appeal Decision

Site visit made on 21 February 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/U5930/D/16/3166358

13 Beverley Road, Highams Park, London E4 9PL

- 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 Ali Sabit against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163002, dated 6 September 2016, was refused by notice dated 24 October 2016.
 - The development proposed is the erection of a single storey rear extension which would extend beyond the rear wall of the original house by a maximum of 4.6 metres with a maximum height of 2.9 metres and maximum eaves height of no more than 2.6 metres.
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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 the erection of a single storey rear extension which would extend beyond the rear wall of the original house by a maximum of 4.6 metres with a maximum height of 2.9 metres and maximum eaves height of no more than 2.6 metres at 13 Beverley Road, Highams Park, London E4 9PL in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural Matters

2. 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.
3. I have taken the description of development from the Council's decision notice as agreed on the appellant's appeal form
4. Part of the Council's reason for refusing approval was that the development had already commenced. However it was apparent from my visit that no commencement work had been undertaken.

Reasons

5. The appeal site is a mid-terrace property with a single storey lean-to extension, incorporating a parapet wall, projecting to the rear. The existing extension is
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immediately adjacent to the side boundary of the property with No 15 Beverley Road on one side and a two storey rear addition, also associated with the appeal property, on the other side.

6. The adjacent dwelling at No 15 has a rear facing window in the main elevation and side facing windows in its rear addition at ground floor level. These windows are all in very close proximity to the relatively tall parapet wall of the existing lean-to extension. This situation would therefore already result in a degree of enclosure that would adversely affect the standard of outlook and daylight enjoyed by neighbouring occupiers.
7. Whilst the replacement of the lean-to extension with a flat roof structure would increase the height of the building along the side boundary, the extent of the increase would be relatively small and it would not project any further to the rear than at present. Taking into account the height of the existing side boundary parapet wall against the two storey rear addition, the net additional impact of the proposed replacement extension on daylight and outlook enjoyed by the occupiers of No 15 would be negligible. Indeed the Council has itself concluded that there would be no additional impact.
8. However, the Council raises the concern that there is no record of the existing extension receiving planning permission. It therefore explains that its approach to determining the current proposal was to ignore the presence of the existing extension, which accordingly led to the conclusion that the proposal would result in a material impact.
9. I acknowledge that the appellant states that the existing extension was constructed in 1998. Although there is no information before me to suggest the existing extension constitutes a lawful development, the Council has not set out that it is contemplating enforcement action to secure its removal. I therefore consider that the Council's approach of ignoring the presence of the existing extension is not well founded. Accordingly I regard the presence of the existing extension as a critical consideration in my decision.
10. I note the other concerns raised by the neighbouring occupants regarding the impact of the development on drainage pipes serving their property and also regarding the effect of noise and disturbance arising from construction works on their living conditions. However these are not matters that fall to be considered under the GPDO.

Conclusion

11. 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.

Roy Merrett

INSPECTOR