

Appeal Decision

Site visit made on 14 March 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/W5780/D/17/3169562

50 Henley Road, Ilford, Essex IG1 2TT

- 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.
 - The appeal is made by Mr Z Khan against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0009/17, dated 2 January 2017, was refused by notice dated 14 February 2017.
 - The development proposed was originally described as a 'ground floor 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) Order 2015 (GPDO) for the single storey rear extension with a depth of 6 metres, height of 3 metres and height to eaves 2.7 metres at 50 Henley Road, Ilford, Essex IG1 2TT in accordance with the details submitted pursuant with Schedule 2, Part 1, Paragraph A.4.(2) of the GPDO.

Procedural matters

2. The Council has stated that the appeal proposal is not permitted development as the external materials shown on the submitted drawing are contradictory. In this instance, I intend to consider whether the proposal meets the criteria of Class A of the GPDO. The Council notified adjoining landowners regarding the proposed development and no representations were received. I have used the description of development as set out in the Council's decision notice in my decision as it more precisely describes the proposal.

Main Issue

3. The main issue for the appeal is whether the appeal proposal satisfies the requirements of the GPDO with regards to being permitted development.

Reasons

4. Schedule 2, Part 1, Paragraph A of the GPDO allows for the enlargement, improvement or other alteration of the original dwelling house. Until 30 May 2019, paragraph A.1.(g) of that Class makes provision for single storey rear extensions up to 6 metres in length beyond the rear wall of the original dwellinghouse and 4m in height for properties other than detached dwellings.
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It is not disputed by the main parties that the appeal proposal satisfies the requirements of Schedule 2, Part 1, Paragraph A.1. of the GPDO.

5. The GPDO in Schedule 2, Part 1, Paragraph A.3. sets out that development is permitted in Class A subject to specified conditions. Condition A.3.(a) states that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The Permitted Development Rights for Householders Technical Guidance document April 2016¹, explains that the condition is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development, meaning that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials.
6. I saw at my site visit that the rear of the appeal property has a coloured render finish. I have had regard to the comments of the Council that the submitted plans could be considered as being ambiguous in terms of external finishes between the elevations as drawn and the plan notations, which state that the external walls would be in 'facing brick to match adjoining property'. However, I am satisfied that the plans as drawn show that the external materials are intended to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In addition, I have had regard to the appellant's stated intention to construct the extension from matching materials.
7. I note that details of external materials are not required under Schedule 2, Part 1, Paragraph A.4.(2). which sets out the information a developer must provide to a local planning authority regarding development permitted by Class A which exceeds the limits in paragraph A.1.(f) but is allowed by paragraph A.1.(g). Provided the extension is constructed of materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, the proposed extension would comply with the condition in A.3.(a).
8. Therefore I am satisfied that there is sufficient information to establish that the proposal would comply with the conditions, limitations or restrictions applicable to development permitted by Class A as set out in Paragraph A.4.(3). of Schedule 2, Part 1 of the GPDO. The appeal proposal therefore constitutes permitted development.

Conclusion

9. 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.

Philip Lewis

INSPECTOR

¹ Department for Communities and Local Government