
Appeal Decision

Site visit made on 14 February 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/U5930/D/17/3166504

25, Silverthorn Gardens, Chingford, London E4 8BW

- 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 James Hart against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 163837, dated 23 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is 6 metre extension to the rear with bi folding doors, no side windows, triple glazed roof light, face brick to next door and render to back and side to match rest of house.
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Decision

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the development at land at 25, Silverthorn Gardens, Chingford, London E4 8BW in accordance with the details submitted pursuant to Schedule 2, Part 1, paragraph A4 (2) of the GPDO.

Background/procedure

2. I have taken the application description given above from the planning application form. Although it is differently described in the decision notice there is no evidence that this change was agreed.
3. A single storey extension of the size proposed is permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015. However, under the provision of this Order where an owner or occupier of any adjoining premises objects to the proposed development the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. When considering this impact the local planning authority must take into account any representations made as a result of the notice given to adjoining occupiers.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of those in the adjoining house at No. 27 Silverthorn Gardens with special reference to visual impact and sunlight.

Reasons

Living conditions

5. The proposed development is for a flat roof single-storey extension to the rear of the appeal property. The application description says that the proposal is a 6 metre rear extension. However, it is clear from the plans, along with the evidence submitted and what I saw, that this would be a 6 metre extension back from the original wall of the dwelling. The property has already been extended to the rear by approximately 2.5 metres. The proposed extension would thus be in the region of 3.5 metres back into the garden from the rear wall of the property as already extended. The neighbouring property, No. 27 has also been extended at single-storey level to the rear so that its rear wall lines up roughly with the back wall of the appeal property as it now stands. Unlike the neighbour I do not consider that the appeal property as currently extended detracts from the living conditions of those at No. 27
6. With the further extension of the appeal property being limited to the extent referred to above it would not extend rearwards of No. 27 to a degree that would detract unduly from light or appear unacceptably dominant and intrusive when seen from this property.
7. It is concluded that the proposed development would not detract from the living conditions of those in the adjoining house at No. 27 Sliverthorn Gardens with special reference to visual impact and sunlight.

Other matters

8. There are third-party concerns that the proposed extension would not be in keeping with the character and appearance of neighbouring properties. However, although it would result in a property extending further rearward of those in the vicinity this would not be to a degree that would be harmful in the way alleged. However, this does not make the proposal acceptable given the harm found on the main issue.

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. It should also be noted that the GPDO provides that development is permitted subject to the condition that the materials used in any exterior work shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

R J Marshall

INSPECTOR