
Appeal Decision

Site visit made on 30 May 2017

by J J Evans BA (Hons) MA MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/T5150/D/17/3169151

39 Maybank Avenue, Sudbury HA0 2TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mrs Paramjit Sidhu against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5162, dated 30 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is a single storey rear extension 6m from original dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application form submitted to the Council refers to the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) came into force in April 2015. I am obliged to determine the appeal against the most up-to-date legislation and have considered it under the provisions of the current GPDO.
3. The provisions of the GPDO 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.

Main Issue

4. The main issue is the effect of the proposed extension on the amenity of the occupiers of the adjoining properties.

Reasons

5. The appeal property is a two storey house in a residential area comprising mostly terraced houses of similar ages and styles. The houses in the terrace have regular shaped rear gardens that gently slope down towards the north. Like most of the houses in the terrace, 39 Maybank Avenue has been extended to the rear with a single storey extension. The property also benefits from a rear dormer, and at the end of the garden there was a single storey outbuilding with front door and patio doors. At the time of my visit the whole of the rear garden was covered with a hard surface.
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6. The proposed extension would be as wide as the house, bringing it adjacent to the side boundaries of the property. Much of its roof would be over 2.5m high, and as such the extension would be clearly visible to the neighbouring residents above the boundary fences and walls that delineate the appeal property. Due to the depth of the extension, and its height and close proximity to the boundaries, it would give an oppressive outlook for the occupiers of both the adjoining houses.
7. Even though near to the boundary with 41 Maybank Avenue the roof would be pitched to a height of 1.8m, the extension would be particularly overbearing for the occupiers of this property. No 41 is at a lower level than No 39. As the proposed extension would project above No 41's single storey extension and also above the existing boundary fence and block wall, it would give an oppressive outlook for the occupiers of No 41. Whilst the appellant states that the extension near to the side boundary would only be as high as the existing fence, the difference in levels between the two properties combined with the proximity and depth of the proposed extension would make it unacceptably overbearing.
8. Although not a reason for refusal for the Council, the occupier of No 41 considers the extension would reduce levels of light to their property. The difference in levels between the properties, the height and depth of the proposed extension, and its proximity to No 41 would unacceptably reduce the levels of light to the rooms within its extension. The appellant has pointed out that both the neighbouring houses have 3m deep extensions, and it was apparent from my visit that most houses in the terrace have similar sized single storey rear extensions. However, due to the similarity in size of the existing extensions none significantly impacts on the amenity of the occupiers of the neighbouring properties.
9. Thus, for the reasons given the proposed rear extension would not be development permitted under Schedule 2, Part 1, Class A of the GPDO. The Council have referred to the guidance within its Altering and Extending Your Home SPG 5 (2002), which advises that extensions should not have an unreasonable impact on neighbouring residents. The proposed extension would fail to accord with this and also with an objective of the National Planning Policy Framework that requires a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

10. Local residents have commented on the outbuilding in the rear garden of No 39 and that fly tipping is possibly occurring. However, neither of these are matters for my consideration under the provisions of the GPDO, and fall to be pursued outside the appeal process.

Conclusion

11. For the reasons given above and having considered all other matters raised I conclude the appeal should be dismissed.

J J Evans

INSPECTOR