



## Appeal Decision

Site visit made on 30 October 2017

**by Graeme Robbie BA(Hons) BPI MRTPI**

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

**Decision date: 16 November 2017**

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**Appeal Ref: APP/W5780/D/17/3178999**

**35 Kenwood Gardens, Gants Hill, Ilford IG2 6YQ**

- 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 Mrs B Chowdhury against the decision of the Council of the London Borough of Redbridge.
  - The application Ref 2061/17, dated 3 May 2017, was refused by notice dated 14 June 2017.
  - The development proposed is a single storey ground floor rear extension.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3 and Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter, the GPDO) for a single storey ground floor rear extension at 35 Kenwood Gardens, Gants Hill, Ilford IG2 6YQ in accordance with the details submitted pursuant to Article 3 and Schedule 2, part 1, paragraph A.4(2) of the GPDO.

### Procedural Matters

2. The appellant's initial application form is undated. However, the appeal form refers to the date of the application as being 3 May 2017, that also confirmed by the Council's date stamp on a copy of the application form as being the date that the application was received. I have adopted that date in the banner heading above.
3. Part 1, Class A of Schedule 2 to the GPDO grants planning permission for the enlargement, improvement or other alteration of a dwelling house subject to a number of exceptions set out in Paragraph A.1. Paragraph A.1(g) allows, until 30 May 2019, for a single storey extension which does not extend beyond the rear wall of the original dwelling house by more than 8 metres in the case of a detached dwelling house, or 6 metres in the case of any other dwelling house, or exceed 4 metres in height. The Council is satisfied that the proposal falls within these parameters and is permitted development, and I have not been given any reasons to doubt that conclusion.
4. The provisions of the GPDO, under Article 3 and Schedule 2, Part 1, Part A(12), 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. The GPDO requires the decision maker to have regard to the National Planning Policy Framework (the Framework) so far as it is relevant to the subject matter of the prior approval. The Framework requires that new development should always seek to secure a good standard of amenity for all existing and future occupants of buildings as one of its core planning principles.
6. There is a small single storey lean-to build out at the rear of the property. This would be removed and the proposal would create an L-shaped single storey rear extension. Abutting the shared boundary with No. 33, it would project 3 metres from the rear wall of the host property. There would be an inset of 2 metres, from where the extension would extend, parallel to the shared boundary, a further 3 metres rearwards into the rear garden of No. 35. The extension would project 6 metres along the shared boundary with No. 37.
7. There is also a single storey lean-to build out at the rear of No. 33 which is larger than that at the appeal property. The proposed extension would extend beyond this, abutting the boundary with No. 33. Due to the staggered and inset nature of the extension's flank elevation facing towards No. 33, that part of the elevation abutting the boundary with No. 33 would be some way short of the full extent of the proposed overall 6m projection. The rear elevations of Nos. 33 and 35 face north; the proposed extension would be located to the east of No. 33. The additional projection of the proposal beyond the existing rear elevation of No. 33 would however be limited and it would not, in my judgement, result in a harmful level of enclosure or adversely affect the outlook from No. 33.
8. There may be some additional morning overshadowing of the rear of No. 33 as a consequence of the proposed extension. However, the additional projection beyond the build-out at the rear of No. 33 would be limited and existing structures, including the houses themselves, would be likely to have a far greater influence on sunlight and daylight at the rears of No. 35 and its adjoining neighbours, than the proposal would. It would not in my judgement therefore result in a harmful loss of daylight or sunlight to the rear of No. 33.
9. The Council state that there is no rear extension at the rear of No. 37. As a consequence they consider that the proposal would cause demonstrable harm to the amenities of occupiers of that property in terms of overshadowing, adverse outlook and an increased sense of enclosure. However, it is stated in the appellant's grounds of appeal that there is an existing rear extension at No. 37 with a depth of 6 metres.
10. I saw at my site visit that there was a large flat roofed single storey extension at the rear of No. 37. Whilst I do not have the details of that proposal before me, I saw that the end elevation of that structure appeared to be staggered in a manner broadly similar to that proposed at No. 35. From what I saw I have no reason to doubt the appellant's description of that structure as being 6 metres in depth.
11. That being so, I am satisfied that the proposal before me would not give rise to an increased sense of enclosure to No. 37, nor would it cause the overshadowing of, or loss of light to the rear of, that property. Nor, I conclude, would it cause harm to the outlook from the rear of that property. For these

reasons, I conclude that the proposal would not cause material harm to the living conditions and amenities of occupiers of Nos. 33 or 37.

### **Other Matters**

12. The objection states that the dimensions quoted on the submitted plans do not take into account the roof lantern. To do so, it is argued, would be likely to make the height closer to 3 metres. However, GPDO paragraph A.1(g) requires proposals to be less than 4 meters in height, whilst GPDO paragraph A.1(i) requires the eaves of single storey rear extensions to be not more than 3 metres only where they are within 2 metres of the curtilage boundary. The Council are satisfied that the proposal meets the criteria set out in the GPDO, and I have not been presented with any compelling evidence to lead me to reach a different conclusion.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted. The planning permission granted for the single storey ground floor rear extension under Article 3 and Schedule 1, Part 1, Class A is subject to the following conditions: A.3(a), A.4(13), A.4(14) and A.4(15) which specify that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; development shall be completed on or before 30th May 2019; that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion, and such notification shall include the name of the developer, the address or location of the development, and the date of completion.

*Graeme Robbie*

INSPECTOR