



Appeal Decision

Site visit made on 12 August 2019 by S Witherley BA, PGDip, PGDip, Cert CIH, Assoc RTPi

Decision by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 10 September 2019

Appeal Ref: APP/E5330/D/19/3227574

2 Badgers Croft, Eltham, London, SE9 3DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) 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 Adam Panizzi against the decision of the Council of the Royal Borough of Greenwich.
- The application Ref 19/0535/PN1, dated 1 February 2019, was refused by notice dated 28 March 2019.
- The development proposed is for *Prior notification for the construction of a single storey rear extension which would measure 4.5 metres beyond the rear wall of the property, with a maximum height of 3.0 metres and an eaves height 3.0 metres.*

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3 (1) Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of a single storey rear extension which would measure 4.5 metres beyond the rear wall of the property, with a maximum height of 3.0 metres and an eaves height 3.0 metres at 2 Badgers Croft, Eltham, London, SE9 3DB, in accordance with the application Ref 19/0535/PN1, dated 1 February 2019, and subject to the following conditions:
 - 1) The development, hereby, permitted shall be carried out in accordance with the approved plans.
 - 2) The materials to be used in the construction of the external surfaces of the development, hereby, permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of the proposal has been taken from the Councils decision notice as this more accurately describes the proposal and is the one used above.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended under Article 3(1) Schedule 2, Part 1, Class A, Part A.4 (7) (the GPDO) ¹require 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. The recommendation of this appeal has been made on the same basis.

Main Issue

5. The main issue is the effect of the proposed development on the amenity of the adjoining neighbours with particular regard to the occupiers of No. 4 Badgers Croft.

Reason

6. No.2 is a two-storey semi-detached dwelling located on a corner plot. The neighbouring dwelling, No. 4 has no rear extensions, it has French windows near to the shared boundary with a solid fence running along part of the shared boundary. The rear gardens of properties along this side of Badgers Croft appear quite substantial which back onto rear gardens of Leas Dale. This separation distance and the size and position of the proposed extension mean that it would not adversely affect the amenity of the adjoining properties to the rear or the occupants of No. 8 The Course.
7. The proposed development would extend 4.5 metres beyond the principal rear wall of No. 2 and would have a height of 3 metres. There is an existing boundary fence which already sits close to the French windows of No. 4. The proposed development, as a result of its size, positioning, the open aspect of the rear garden along with the existing boundary treatment would not result in a significant sense of enclosure affecting the living conditions of the occupiers at No. 4. Whilst it would be partially visible above the existing boundary fence, this would not be to an extent which would result in a harmful increase in the loss of outlook, daylight and sunlight given the height and location of the proposed development. Taking these considerations into account, the proposal would not significantly affect the amenity of the occupiers at No. 4.
8. I find that the proposal would not harm the amenity of the adjoining neighbours with particular regard to the occupiers of No. 4 Badgers Croft for the above reasons and, therefore, the proposed development complies with the provisions of Article 3(1) Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO.

Conditions

9. Paragraph A.4 (12) of the GPDO states that the local planning authority may grant approval unconditionally or subject to conditions reasonably related to

¹ The GPDO 2015 version has been amended by statutory instrument 019 no. 907 The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019, which came into force on 25 May 2019.

the impact of the proposed development on the amenity of adjoining premises. The Council have suggested conditions in relation to the development being built in accordance with the approved plans and the materials of the extension to match the existing. These are considered to be reasonable and have therefore imposed.

10. A series of amendments have been made to the GPDO in relation to larger extensions which came into force on 25 May 2019. This removed sub paragraphs A.4 (13), (14) and (15), therefore, the time limit and notification conditions are no longer required.

Conclusion and Recommendation

11. For the reasons given above, it is recommended that the appeal should be allowed, and prior approval be granted.

S Witherley

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too concur that the appeal should be approved, and prior approval granted.

A U Ghafoor

INSPECTOR