



Appeal Decision

Site visit made on 7 October 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) DipTP MRTPI

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

Decision date: 15th November 2019

Appeal Ref: APP/W5780/D/19/3233172

8 Mordon Road, IG3 8QR

- 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) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mohsin Mohmed against the decision of London Borough of Redbridge.
 - The application Ref 1649/19, dated 11 March 2019, was refused by notice dated 11 May 2019.
 - The development proposed is a 6m single storey rear extension with flat roof.
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Decision

1. The appeal is dismissed.

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.

Main Issue

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development on the basis of its impact on the amenity of any adjoining premises, where any adjoining occupier objects to the development. As an adjoining neighbour objected to the application, the Council assessed the impact of the proposal and found it unacceptable.
4. Based on the Council's decision notice, the main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of 10 Mordon Road with regard to outlook and light.

Reasons for the Recommendation

5. The appeal site comprises a two-storey, mid-terrace property on the eastern side of Mordon Road which is a dense residential street. The property has a narrow outside amenity space to the rear which has been fully laid to hardstanding. A small rear pitched roof lean-to projection abuts the northern boundary and two small sheds occupy the far end of the outside amenity space. Although the application plans show an existing shed to be demolished

as part of the proposal, on my site visit I observed that the shed had already been demolished. The neighbouring property to the south, at No.6, has a large rear extension but the neighbouring property to the north, at No. 10, has no extensions added to its original building other than a minor pitched roof projection which abuts the appeal site's boundary. A number of properties within the same terrace block have single-storey rear extensions including at No. 12.

6. Following the demolition of the existing pitched lean-to extension, the proposed flat roofed single storey rear extension would extend 6 metres from the existing rear principle elevation and would stand 3 metres in height. It would abut both the north and south side boundaries.
7. The proposed development would dramatically change the outlook from the rear of No. 10 as it would result in there being large developments abutting both its boundaries, triggering an adverse sense of enclosure and creating a tunnelling effect. Also, it is considered that due to the combination of the height and depth of the extension and its siting on the common boundary, the proposal would appear excessive and would have an intrusive and overbearing visual impact upon the garden of No. 10 thereby causing an unacceptable level of harm to the outlook from No. 10.
8. Furthermore, due to its extensive depth of 6 metres, the proposed development would decrease the amount of light received at No. 10. Although the proposed extension is only single storey and, as pointed out by the appellant, there is a large mature tree within the rear garden of No. 10 which overshadows the garden during the morning hours, the proximity of the extension to the boundary, its height and its position to the south of No. 10 means the extension would likely lead to overshadowing.
9. The appellant states that, as a matter of comparison, the impact from the rear extension at No. 6, which is of similar scale to the proposal, on their own living conditions is negligible. However, in this case the occupiers of No. 10 would be impacted upon by the extensions at both of its adjacent properties (Nos 12 and 8), whereas the appellant's outlook is only materially affected by the extension at one of its neighbours (No. 6). The appellant's rear outlook therefore is not comparable.
10. I acknowledge that the proposal would improve living conditions by providing increased living space and a second bathroom for the benefit of a growing family. However, these considerations would not outweigh the harm that would be caused to the living conditions of the occupants of No. 10.
11. For the above reasons, I conclude that the proposed development would cause an unacceptable level of harm to the living conditions of the occupants of 10 Mordon Road in terms of loss of outlook and light.

Other Matters

12. The appellant refers to local development plan policies, however under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) I am not obliged to have regard to the development plan.
13. Although the neighbour has signalled her intention to erect an extension to the rear, I must consider the appeal put before me and the situation as it currently

exists. Therefore, this does not affect my view that the proposal would be unacceptable.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR