



Appeal Decision

Site visit made on 7 January 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/Z5060/D/19/3238599

89 Hunters Hall Road, Dagenham, Essex RM10 8HX

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr T S Aujla against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01226/PRIOR6, dated 15 July 2019, was refused by notice dated 23 August 2019.
 - The development proposed is a single storey 6.0m rear extension.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey 6.0m rear extension at 89 Hunters Hall Road, Dagenham, Essex RM10 8HX in accordance with the terms of the application Ref 19/01226/PRIOR6, dated 15 July 2019, and the details submitted with it including Drawing Number PP89/RM10 8HX/001.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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 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 on the same basis.
4. The Council have referred to Policies BP8 and BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Development Plan Document (2011) (DPD) and the Supplementary Planning Document: Residential Extensions and Alterations (SPD). Development Plan policies may be relevant, but only insofar as they relate to the matters relevant to the

impact of extensions on the amenity of adjacent properties. I have therefore considered these policies on this basis.

Main Issue

5. The main issue is whether the effect of the development on the living conditions of neighbouring occupiers is such as to require refusal of prior approval under Schedule 2, Part 1, Class A of the GPDO.

Reasons

6. The appeal site comprises a semi-detached, two-storey dwelling fronting onto Hunters Hall Road. The proposed development would introduce a single-storey rear extension onto the property. The dwelling had a previous, smaller, rear extension which has been demolished and the proposed extension would adjoin the original rear wall of the dwelling.
7. Schedule 2, Part 1, Class A.1(g) of the GPDO allows for larger residential extensions providing the enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse or 6 metres in the case of any other dwellinghouse and would not exceed 4 metres in height. From the information provided it would appear that the Council considers that the proposal would meet the relevant criteria for permitted development, and I see no reason to disagree with this assessment.
8. However, during the application process an objection was received from the occupiers of a property to the rear of the appeal site. Accordingly, the provisions of the GPDO, paragraph A.4(7) requires the consideration of the impact of the development on the amenity of any adjoining premises. Regard should be had to the impact on all adjoining occupiers, even those who did not make representations.
9. The proposed extension would project approximately 6 metres from the rear elevation of the dwelling. The adjoining property, No 91, is located to the north of the appeal site and has an existing, single storey rear extension adjacent to the appeal site. The proposed extension would project beyond the extent of the neighbouring extension. It would however have a height of 2.8 metres approximately and would have a flat roof which would limit the impact on the neighbouring property. In addition, the existing fencing along the side boundary with No 91 would screen much of the extension and limit the level of overshadowing into the neighbouring property and garden. I note the Council state that the depth of the extension would exceed the requirements of the SPD, however as the GPDO permits extensions of a greater depth I can only give limited weight to the provisions of the SPD in this regard.
10. The Council have considered that there would not be an unacceptable impact on the amenity of the occupiers of the adjacent dwelling, No 87, and I have no reason to disagree with this view.
11. The dwellings to the rear of the appeal site, on Standfield Road, are set a significant distance away from the location of the appeal proposal. In addition, the rear boundary treatments and other domestic outbuildings would provide some screening. I therefore find that the proposed extension would not result in harmful impacts on the living conditions of the occupiers of the properties to the rear.

12. Accordingly, whilst the proposed extension would project out beyond the neighbouring extension at No 91, its height, design and the existing boundary fencing would ensure that a limited amount of the extension would be visible, and it would not be unduly harmful to the living conditions of the occupiers of the neighbouring property as a result of overshadowing or overlooking. The development would therefore accord with the provisions of Policies BP8 and BP11 of the DPD where they seek to protect residential amenity.

Conditions

13. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the condition under paragraph A.4(11) (a) which requires the development to be carried out in accordance with the details approved by the local planning authority.
14. The Council have requested no additional conditions and I consider none to be necessary that would be reasonably related to the impact of the proposed development on the amenity of any adjoining premises in accordance with paragraph A.4(12).

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval is deemed to be granted.

R Norman

INSPECTOR