



Appeal Decision

Site visit made on 18 November 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/E5330/D/19/3238297

1 The Dell, Abbeywood, London, SE2 0RW

- 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, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Dessie Adeniyi against the decision of the Royal Borough of Greenwich Council
 - The application Ref 19/2852/PN1, dated 12 August 2019, was refused by notice dated 18 September 2019.
 - The development proposed is described as a single storey 6 metre rear extension with a pitch roof to end of terrace house. Space to be used as kitchen/diner with a new study room/office.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 December 2019.

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.

Preliminary Matter

3. The provisions of Paragraph A.4(7) of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 on the same basis.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupants of 2 The Dell with regard to light and outlook.

Reasons for the Recommendation

6. The appeal site comprises a two storey, end of terrace dwelling situated on The Dell, with a side extension and relatively long triangular shaped rear garden. The house

currently benefits from a small decking area to the rear, separated from the long, narrow rectangular garden of the attached neighbouring dwelling at No. 2 by a tall fence. The remainder of the boundary between the two properties comprises a much shorter fence, extending along the entire length of the garden at the appeal site.

7. Article 3(1) of the GPDO grants planning permission for the classes of development described as permitted development in Schedule 2. Part 1 of Schedule 2 relates to development in the curtilage of a dwellinghouse. Class A of Schedule 2 sets out that the enlargement, improvement or other alteration of a dwellinghouse is permitted development. Paragraphs A.1 and A.2 of Class A set out limitations that development must meet to be considered as permitted development. Paragraphs A.3 and A.4 set out conditions to which such development is subjected to.
8. Paragraph A.1(g) of Class A of the GPDO makes clear that, to be permitted development, the extension should be single storey, should not extend beyond the rear wall of the original house by more than 6m, and must not exceed 4m in height. The parties are in agreement that, on the basis of the information provided, the proposal would satisfy these conditions. I see no reason to conclude otherwise. The parties are also in agreement that the site does not consist of Article 2(3) land and that permitted development rights in the GPDO have not been removed.
9. However, in accordance with paragraph A.4(7) of Class A of the GPDO, prior approval for such extensions should be sought from the local planning authority in relation to the effects of the extension on the occupiers of adjacent premises in circumstances where an adjacent occupier has objected to the proposed development. The adjacent occupiers were correctly notified of the original application and objected on the basis that it would have a negative impact on their living conditions with regards to light, outlook and the potential to appear overbearing.
10. The proposal relates to the erection of a single storey rear extension at the appeal property. It would spread across the entire width of the original property and would involve the removal of the current decking area.
11. I note that the extension would not obstruct views from the rear windows of No 2 into the property's back garden. However, the development would extend 6m from the rear of the appeal property along the shared boundary with the rear garden of No 2. Moreover, the extension would have an overall height of around 3.6m, projecting considerably above the fence between the two properties.
12. As a result, the proposal would introduce a sizeable element of built form along the boundary between the appeal property and No 2, in close proximity to the rear garden and windows in the rear elevation of the adjacent property.
13. Consequently, the development would appear unduly dominant, particularly due to the modest size of the properties and would result in an unneighbourly sense of enclosure for the adjoining occupiers at No 2.
14. It is recognised that the rear garden of No 2 faces west. However, that means the extension would be directly to the south of the rear garden and windows of No 2. Thus, the height, position and scale of the extension would have the potential to result in a material loss of light to No. 2 for a considerable proportion of the day. Given the height, depth and proximity of the extension, it would, in my view, result in a harmful reduction in the amount of direct sunlight and daylight reaching both the windows in the rear of the

property which serve habitable rooms and the rear garden. This would further increase the existing effect on light to the property resulting from the boundary fencing.

15. I conclude, therefore, that the development would have a harmful effect upon the living conditions of the occupiers of the adjoining premises at 2 The Dell and therefore an unacceptable impact upon the amenity of that property. The development is therefore in conflict with Policy 7.6 of the London Plan¹ and Policy DH(b) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies, adopted July 2014, insofar as they relate to the impact of the proposal on the amenity of neighbouring occupiers. While a copy of the Royal Borough of Greenwich Residential Extensions, Basements and Conversions Guidance Supplementary Planning Document July 2016 has been provided, my attention has not been drawn to a specific section of this document by either party.

Other matters

16. The appellant has made reference to various issues and disputes with the neighbouring occupier of No. 2 The Dell. However, these can be afforded little weight and do not outweigh the harm identified above.

Conclusion and Recommendation

17. Having had regard to all matters raised, I recommend that the appeal is dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

J Whitfield

INSPECTOR

¹ The London Plan: The Spatial Development Strategy for London, consolidated with alterations since 2011 - 2016