
Appeal Decision

Site visit made on 23 December 2020

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2021

Appeal Ref: APP/L5240/D/20/3259009

48 Fairlands Avenue, Thornton Heath CR7 6HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 Coral Mendez against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02334/GPDO, dated 01 June 2020, was refused by notice dated 14 July 2020.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.

Reasons

4. The appeal proposal is for a flat roofed, single storey rear extension projecting from the rear wall of the original dwelling by 5m. It would extend across the full width of the dwelling and have a maximum height of 2.95m. The Council advises that the proposal would otherwise accord with the provisions of the GPDO subject to Paragraph A.4(7) to Part 1 which requires the local planning authority to assess the impact of the proposal on the amenity of all adjoining premises, taking into account any representations received. Having regard to the appeal site and its circumstances, I concur with the Council that the appeal proposal is otherwise permitted development under the GPDO.
5. Accordingly, my attention is therefore drawn to the conditions set out in A.4, and in particular at paragraph A.4(7). In this respect, an objection was

received from the neighbouring occupier of 46 Fairlands Avenue. The Council has duly considered the amenity relationship with the neighbouring properties and asserts that the proposal would be detrimental to the living conditions of occupiers at nos 46 and 50 due to the loss of outlook and visual intrusion.

6. No 48 Fairlands Avenue is an end terrace dwelling attached to no 46 to the south and separated by an access path from no 50 to the north. No 46 has previously been extended to the rear with a small mono-pitch conservatory across the full width of the dwelling. The proposed extension would extend for a significant distance past the rear elevation of this conservatory and would be built right up to the common boundary with no 46. Whilst the existing closed boarded timber fencing limits outlook from the ground floor rear windows of no 46, the proposal would be higher than the existing fence (and any fence that could be constructed as permitted development under the GPDO). The proposal would, therefore, result in a dominant and overbearing feature which would be visually intrusive in the outlook from the rear ground floor windows and rear garden of no 46. This would be unacceptably harmful to the living conditions and amenities of the occupiers of no 46.
7. As the proposal would be located to the north of no 46, it would not have a significant or unacceptable impact on either sunlight or daylight reaching no.46. Furthermore, the separation distance between the proposal and the ground floor windows of no 50 would be sufficient to ensure no unacceptable harm to the living conditions or amenities of the occupiers of no 50 would result.
8. My attention has been drawn to several appeal decisions¹ in support of the appeal. Although the issues in the referred appeals are similar to that before me, I have not been provided with full details of those appeals. As such, I am unable to ascertain whether they are directly comparable. I have, therefore, afforded those appeals limited weight in my decision. Each scheme needs to be predominantly considered on its individual merits and I have considered the current appeal proposal as such.
9. I have also had regard to the appellant's fallback position of constructing a single storey rear extension under the GPDO without the need for prior approval. Any such extension would have a rearward projection from the original dwelling limited to 3m and would therefore have a materially different impact to the current proposal. As such, I afford only limited weight to this fallback position.
10. Overall, therefore, I find that the proposed extension would result in an unacceptably adverse effect on the living conditions and amenities of the neighbouring occupier of no 46 by virtue of its overbearing and visually intrusive impact.

Conclusion

11. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR

¹ Appeal Refs: APP/P4605/D/13/2206537, APP/J4423/D/13/2202793, APP/J0540/D/13/2210045