
Appeal Decision

Site visit made on 21 December 2020 by Emma Worby BSc (Hons) MSc

Decision by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2021

Appeal Ref: APP/B5480/D/20/3257675

61 Hubert Road, Rainham RM13 8AD

- 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 Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO').
 - The appeal is made by Mr Asadul Hoque against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0178.20, dated 16 June 2020, was refused by notice dated 21 July 2020.
 - The development proposed is a single storey rear extension with a maximum height of 3m.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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) for a single storey rear extension at 61 Hubert Road, Rainham RM13 8AD in accordance with the application, Ref Y0178.20, made on 16 June 2020, and the details submitted with it including plan no's 18/402/001, 18/402/002, 18/402/003, pursuant to Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

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

Procedural Matters

3. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the GPDO. The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Main Issues

4. I consider that the main issues in this appeal are whether the proposed development would be granted planning permission by Schedule 2, Part 1,

Class A of the GPDO and the impact of the proposed development on the amenity of adjoining premises with regard to outlook.

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling with an existing single storey rear extension with a depth of 6 metres. The development proposed is an additional single storey rear extension/conservatory, with a depth of 2 metres, extending from the existing rear extension. From the plans submitted with the application, the resultant overall rear extension would, at its greatest, measure 8 metres deep from the rear elevation of the original dwelling with a maximum height of 3 metres. Compared to the flat roof of the existing rear extension, the proposed extension would have a pitched roof with a maximum height of 3 metres and an eaves height of 2 metres. From the details provided the proposed extension would meet the limitations of the permitted development right set out in paragraph A.1, which has not been contested by the Council.
6. Paragraph A.4(7) states that where any owner or occupier of the adjoining premises objects to the proposed development, the prior approval of the LPA is required as to the impact of the proposed development on the amenity of any adjoining premises. As there is an access road between the appeal site and 63 Hubert Road, 59 Hubert Road is the only property which directly adjoins the appeal site and, as an objection was received, it is the only property considered in this appeal in relation to the impact on amenity.
7. Both the existing and the proposed rear extension are set back from the side elevation of the main dwelling to increase the distance between the extension and the shared boundary which would be approximately 1.5 metres. Therefore, although the proposal would result in a development which would extend further into the garden than the dwelling at No.59, it would be some distance from this property. The proposed extension has been designed with a pitched roof ensuring a lower eaves height than the existing extension and the conservatory style and use of glass would allow some light to pass through the building preventing a significant loss of daylight to the garden and rear windows of No.59. Furthermore, there is currently a close boarded fence between the two properties, at a height of around 2 metres, which would largely block any views of the proposed extension from the neighbouring dwelling. With a depth of only 2 metres, it is not considered that the proposed extension would significantly alter the outlook for the occupiers of the neighbouring dwelling when compared to the current extension.
8. It is noted that concerns were also raised within the objection regarding the possibility of overlooking. However, due to its single storey nature and the high fence between the appeal property and No.59, the proposed development would not result in any loss of privacy to the occupiers of this neighbouring property.
9. Having regard to all of the above, I conclude that the proposed development would comply with the stipulations of Schedule 2, Part 1, Class A of the GPDO and so would constitute permitted development. It has also been found that the proposed rear extension would not result in unacceptable impacts on the amenity of the occupants of the adjoining property, 59 Hubert Road as required by Paragraph A.4(7).

Conditions

10. The Council have requested a condition to require the development to begin within three years, however this is not appropriate as a permission granted by the GPDO is continuous while the GPDO is in force or re-enacted, and unless the permission is revoked or withdrawn. Similarly, a condition to ensure that the development accords with the plans is not necessary as Paragraph A.4(11)(a) requires that the development must be carried out in accordance with the details approved. Paragraph A.3 requires the materials used in any exterior work (other than materials used in the construction of a conservatory) to be of similar appearance to those used for the existing dwelling house and no further condition to this effect is therefore necessary.
11. Paragraph A.4(12) states that prior approval may be granted unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises. The Council's suggested conditions, to prevent further windows in the side elevations and to prevent the use of the roof as a balcony, have not been included due to the nature of the proposal which has a pitched glass roof and glass elevations.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

Anne Jordan

INSPECTOR