



Appeal Decision

Site visit made on 12 January 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18/02/2021

Appeal Ref: APP/W5780/D/20/3252560

42 Woodville Gardens, Ilford, London, IG6 1LF

- 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 and Mrs Arti Vyas against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0899/20, dated 18 March 2020, was refused by notice dated 15 May 2020.
 - The development proposed is a ground floor rear extension with pitched roof.
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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 ground floor rear extension with pitched roof at 42 Woodville Gardens, Ilford, London, IG6 1LF in accordance with the application Ref 899/20 made on 18 March 2020, and the details submitted with it including plan nos A01, A02, A04, A05, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary 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. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. The application form states that the proposal would have a height of 3m but the plans show a height of 4m. The Council refused the application on the grounds that the inconsistency meant it was unable to assess the impact of the proposed extension.

Main issue

4. I consider therefore that the main issue in this appeal is whether there is sufficient information to assess the impact of the proposed development on the amenity of the adjoining property at no 44 Woodville Gardens with regard to daylight and sunlight and if so, the impact of the proposal in those terms.

Reasons

5. 42 Woodville Gardens is a semi-detached dwelling. I saw at my visit that an extension similar to that proposed in this appeal was already under construction which the appellant's agent has confirmed has prior approval granted by the Council after this decision. However, it is unclear to me whether or not that extension is exactly the same as that proposed in this appeal. I have therefore determined this appeal on the basis of the submitted documents.
6. Despite the inconsistency between the height measurement stated on the application form and that shown in the plans, the appellant's appeal statement makes clear that the proposed height is the 4m shown in the plans. The Council did not have that clarification when it made its decision although it is unclear to me why it did not reject the application as invalid.
7. I therefore have sufficient information to assess the impact of the proposal on the neighbouring property. The proposal is for a full width rear extension which would project beyond the rear wall of the dwelling by 4m. It would have a pitched roof which, on the basis of the plans, would be 4m high and would therefore accord with the maximum height specified for such permitted development in the GPDO.
8. The adjoining semi-detached property at no 44 has a rear conservatory which abuts the side boundary and leads from a dining room. Some of the daylight and sunlight to the dining room is already reduced by the conservatory. As the proposed extension would not project significantly beyond the conservatory or dining room at no 44 and the principal sitting out area at that property is sited on the other side boundary furthest from the proposal, it would not result in a significant loss of daylight or sunlight to no 44.
9. I have noted that the Council's officer's report concluded that the proposal would not result in significant harm to the neighbouring properties and this, together with the subsequent prior approval for the extension under construction supports my findings in regard to this proposal. Drainage and sewage matters are addressed under the Building Regulations.
10. I conclude then that the proposed extension would not cause significant adverse impacts to the living conditions of the neighbouring occupiers at 44 Woodville Gardens and the appeal is allowed.

Sarah Colebourne

Inspector