
Appeal Decision

Site visit made on 15 February 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/W5780/D/20/3261276

6 Atherton Road, Clayhall, Ilford, IG5 0PF

- 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 Manraj Atwal against the decision of London Borough of Redbridge Council.
 - The application Ref 2496/20, dated 5 August 2020, was refused by notice dated 10 September 2020.
 - The development proposed is erection of single-storey 6m extension to the rear of the property. Construction materials will be similar in appearance to those used for the existing house. No balconies, verandas, raised platforms or chimneys are included.
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Decision

1. The appeal is allowed and prior approval is not required 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 the erection of a single storey 6m extension to the rear of 6 Atherton Road, Clayhall, Ilford, IG5 0PF in accordance with the terms of the application, Ref 2496/20, dated 5 August 2020, and the details submitted with it, 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. 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 – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issues

4. I consider the main issues in this appeal to be whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and if so whether prior approval would be required.

Reasons

5. The application to determine whether prior approval was required for a single storey rear extension was refused by the council on the grounds that when measured electronically, using an Adobe PDF measuring tool for a drawing that was not produced using Adobe software, the proposed extension measured in excess of 6 metres from the original rear wall of the dwelling. The council concluded on that basis that the proposal would not be permitted development.
6. The submitted application forms and plans both specifically state that the extension would project 6 metres from the original rear wall. The plans, when printed on A4 as stated on the drawings and measured with a scale ruler at the 1:500 scale stated on the drawings, confirm that the extension would project no more than 6 metres from the original rear wall.
7. In the event that any extension constructed exceeds 6 metres from the rear wall of the original dwellinghouse, without planning permission, it would be unlawful and the council would have powers to take any appropriate action considered reasonable and necessary.
8. I therefore find that the information submitted with the application was not inconsistent and that the proposal would constitute permitted development.
9. There is no dispute between the parties that the extension would not result in any harmful effects on the living conditions of occupants of any adjoining premises.
10. Having regard to the above, I conclude that the proposal constitutes permitted development and prior approval is not required. The appellant's attention is drawn to the conditions set out in paragraphs A.3 and A.4 of Part 1 of Schedule 2 to the Order. Of these, particular attention is drawn to Condition A.3 (a) which states that the external materials must be of a similar appearance to the existing dwelling house; and Condition A.4(11) which requires the development to be carried out in accordance with the submitted details.

Conclusion

11. For the reasons given above the appeal is allowed.

Rachael Bartlett

INSPECTOR