
Appeal Decision

Site visit made on 16 February 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2021

Appeal Ref: APP/W5780/D/20/3257083

31 Kimberley Avenue, Newbury Park, Ilford IG2 7AR

- 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 C Anderson against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1871/20, dated 22 June 2020, was refused by notice dated 28 July 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter and Main Issue

2. 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 Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The proposed development exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Thus, as required by Paragraph A.4(5), the Council notified adjoining owners or occupiers about the proposed development. Given the objection from an occupier of an adjoining property, the prior approval of the Council was required as to the impact of the proposed development on the amenity of any adjoining premises.
3. Due to the siting and relationship that the proposed development would have with No 29 Kimberley Avenue and Nos 28 & 30 Glencoe Avenue, no harm would be caused to the living conditions of the occupiers of those properties.
4. Therefore, the main issue is the effect of the proposed development on the living conditions of the occupiers of No 33 Kimberley Avenue, with particular regard to light and outlook.

Reasons

5. The appeal property is a mid-terrace dwelling. The proposed single storey rear extension would replace an existing extension, comprising a conservatory and W.C., which is currently inset from the boundary with No 33. The proposed extension would cover the full width of the property and it would extend 4.5 metres to the rear. It would have a mono-pitched roof that would slope from a

height of around 3 metres where it meets the original 2 storey rear wall, down to an eaves height of approximately 2.7 metres at the rear.

6. The adjoining property at No 33 Kimberley Avenue has an existing single storey rear extension which is set away from the boundary with the appeal site. It has a ground floor habitable window in the recess between the extension and the existing boundary fence.
7. Having regard to the single storey height of the proposed extension and its receding height to the rear, the proposal would not cause significant overshadowing of the neighbouring ground floor habitable window or the garden area of No 33. Nevertheless, the side wall of the proposed extension would be taller and more obtrusive than the existing boundary fence. It would extend along the boundary for a distance of 4.5 metres, which would cause an unacceptable sense of enclosure and loss of outlook from the neighbouring ground floor window.
8. I therefore conclude that the proposed development would be harmful to the living conditions of the occupiers of No 33 Kimberley Avenue with regard to outlook.

Other Matter

9. The appellant indicates that additional floor space is required to accommodate a family member who has a protected characteristic under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In this case, I have taken this into account but consider a refusal of prior approval is a proportionate and necessary approach to the legitimate aim of ensuring that harm to the living conditions of the occupiers of No 33 Kimberley Avenue would be avoided.

Conclusion

10. For the above reasons, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR