



Appeal Decision

Site visit made on 14 June 2021

by **Tim Wood BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 July 2021

Appeal Ref: APP/W5780/W/20/3264945

49 Westernville Gardens, Newbury Park, Ilford IG2 6AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Masum Amin against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0980/20, dated 19 March 2020, was approved on 3 July 2020 and planning permission was granted subject to conditions.
 - The development permitted is a 2 storey rear extension at No 49 Westernville Gardens and erection of a 3 bedroom house with associated car parking, refuse and amenity space.
 - The condition in dispute is No 9 which states that: *"No extensions, including those permitted by Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Statutory Instrument revoking, re-enacting or amending that Order), shall be carried out on the property the subject of this permission without the grant of further specific permission from the Local Planning Authority."*
 - The reason given for the condition is: *"In order that any further additions may be considered by the Local Planning Authority, having regard to the size of the dwelling, its plot and the amenities enjoy by occupants of neighbouring property and to comply with Policies LP26 & LP30 of the Council's Local Plan"*.
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Decision

1. The appeal is allowed and the planning permission Ref 0980/20 for a 2 storey rear extension at No 49 Westernville Gardens and erection of a 3 bedroom house with associated car parking, refuse and amenity space at 49 Westernville Gardens, Newbury Park, Ilford IG2 6AL granted on 3 July 2020 by the Council of the London Borough of Redbridge, is varied by deleting conditions 9 and substituting for them the following condition:
 - 1) No development falling within Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), shall be carried out on the property the subject of this permission without the grant of further specific permission from the Local Planning Authority.

Main Issue

2. The main issue in this appeal is whether the disputed condition is necessary, precise and reasonable.

Reasons

3. The Council refers to extensions of various sizes which could be undertaken to the property, along with roof extensions and an out-building up to a certain size. Under normal circumstances, these could be undertaken without needing specific planning permission from the local planning authority due to the provision of the General Permitted Development Order (GDPO) and specifically Part 1, Classes A, B, C and E.
4. Taking account of the configuration of the approved development, I share the Council's concerns that an extension could otherwise be built, which would result in a large addition which could affect the living conditions of neighbours and the area generally. Similarly, due to the configuration of the approved roof, extensions could be undertaken which could result in visually awkward and dominating extension.
5. In relation to ancillary buildings within the grounds, the appeal site is provided with a large garden compared to many others in the area and I agree with the Council that a building could be provided which could unacceptably affect neighbours and the area generally.
6. In relation to the necessity of the condition, I consider that it is required so that unacceptable extensions and additions are not undertaken which would unreasonably affect neighbours and the area. This is consistent with the aims of Policies LP26 and LP30 of the Redbridge Local Plan 2015-2030.
7. In relation to its precision, I note that the appellant quotes a section from Circular 11/95 but this was cancelled some time ago (apart from the retention of Appendix A which relates to model condition). In my consideration, the condition refers clearly to those parts of the GDPO which it seeks to control and does not lack clarity in this respect. My only criticism of the precision of the condition relates to the fact that it opens by stating "*No extensions, including those permitted by Classes A, B, C and E...*". Therefore, the scope of the condition goes beyond Classes A, B, C and E. Whether this was the intention or not, I cannot tell as no reference is made to this by either side but the arguments set out only offer justification for extensions under the specified Classes and not other forms. Whilst I acknowledge that extensions beyond the scope of the stated Classes is limited and possibly only includes porches (under Class D), the condition as written would prevent the construction of those extensions without specific permission from the local planning authority. No justification is offered in relation to the restriction other extensions outside Classes A, B, C and E.
8. The appellant makes reference to planning permission granted by the Council for the provision of a dwelling at 16 Kingsley Road (Ref 3431/19) and the fact that the permission did not contain a condition similar to the one disputed at this appeal. I have been provided with no other information regarding that site or the permission referred to, so I am unable to make any meaningful comparisons between the 2 cases.
9. With the minor exception set out above in relation to the wording of the condition, I find that it is reasonable in all other respects and is necessary to achieve a valid planning aim.

Conclusion

10. Whilst I have agreed with the majority of the Council's case, I have concluded that the disputed condition should be amended so that it refers only to development within Classes A, B, C and E and does not refer to "no extensions" being carried out. Therefore, I shall delete the existing condition and replace it with an appropriately worded alternative. To this limited extent, the appeal is successful but the replacement condition would still restrict development within the specified classes.

S T Wood

INSPECTOR