



Appeal Decision

Site visit made on 22 June 2021 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2021

Appeal Ref: APP/W5780/D/21/3268419

78 Torquay Gardens, Ilford IG4 5PT

- 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 Qaisar Mahmood against the decision of London Borough of Redbridge Council.
 - The application Ref 3553/20, dated 29 October 2020, was refused by notice dated 2 December 2020.
 - The development proposed is single storey ground floor rear extension.
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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 ground floor rear extension at 78 Torquay Gardens, Ilford, IG4 5PT in accordance with the application Ref 3553/20 made on 29 October 2020, and the details submitted with it, including plan nos. D01, D02, D03, D04, D05, D06 Rev 1 and D07 Rev 1, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

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

Procedural Matters

3. Although the location plan (D07) and block plan (D06) submitted with the application showed the appeal site as being No. 78, the wrong property was identified. Amended plans (D06 Rev 1 and D07 Rev 1) were provided during the appeal which identify the correct property. As the proposed development has not changed, and all the submitted evidence makes it clear the extension relates to No 78, I have accepted the amended plans and consider no parties would be prejudiced by this.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to

the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development on the basis of its impact on the amenity of any adjoining premises, where any adjoining occupier objects to the development. As an adjoining neighbour objected to the application, the Council assessed the impact of the proposal and found it unacceptable.
6. Based on the Council's decision notice, the main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of 80 Torquay Gardens with regard to a loss of light and outlook, and an increased sense of enclosure.

Reasons for the Recommendation

7. The appeal site comprises a two-storey, semi-detached property located on the eastern side of Torquay Gardens within an established residential area. The appeal property features a small L-shaped single-storey rear extension which would be demolished and replaced by the proposal.
8. As the rear outlook of the properties along the eastern side of Torquay Gardens is north-east-facing, No.80 may experience a slight reduction in light penetration during the morning and possibly the early afternoon due to the increase in depth of the proposal compared to the existing structure. This would mostly affect the closest window to the boundary which serves a lounge, but also the rear patio. Nonetheless, in light of the relatively modest flat-roofed single storey height of the proposed development, I consider that the resultant overshadowing would constitute a minimal loss of light to the rear of No.80 and it would not unacceptably harm the living conditions of the occupiers.
9. Furthermore, the development would not appear excessively obtrusive or bulky when seen from the ground floor rear elevation and garden of No.80. I find it would not have an adverse visual impact when seen from the neighbouring property given its simple and neutral design. It would not drastically or negatively alter the outlook from the rear of No.80 nor, due to its modest scale, would it lead to an increased sense of enclosure. For these reasons I consider that the outlook from No. 80's rear elevation windows and garden would not be unreasonably affected. The neighbouring property would still enjoy open rear views towards the east, overlooking generous garden space.
10. I note there are no windows proposed within the flank elevation which would abut No.80. In light of this, it is not considered that the development would result in a loss of privacy for the neighbouring occupants.
11. The Council contend that the proposal would not be consistent with other similar sites in the borough of Redbridge however there are numerous similar developments in the vicinity and in the wider area. Indeed, there are single-storey rear extensions of a comparable depth and height as the proposal at Nos. 70, 66 and 64 Torquay Gardens.

12. For the above reasons, I conclude that the proposed development would not adversely impact on the living conditions of the occupants of 80 Torquay Gardens with regards to light, outlook and sense of enclosure. It would therefore accord with the guidance set out in paragraph 127 of the National Planning Policy Framework which requires developments to ensure a high standard of amenity.

Other Matters

13. I note the neighbour's comments with regard to the appeal dwelling's existing rear extension, the use of the detached garage and the loft conversion, however this has not altered my view that the development would be acceptable. They also refer to a previous, similar application at the site (Ref 2327/20), but rather than being refused, it appears from the officer's report, that that application was withdrawn.

Conditions

14. Although the Council have suggested conditions specifying the approved plans and requiring the construction materials match the existing building, any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse. In addition, the formal decision includes within it reference to the approved plans.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR