

Appeal Decision

Site visit made on 29 November 2021 by Elizabeth Davies BSc (Hons) MIEMA, CEnv

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/W5780/D/21/3274852

1 Leigh Avenue, Ilford, IG4 5PH

- 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 'GPDO').
 - The appeal is made by Mr Thind (At Property Developments Ltd) against the decision of London Borough of Redbridge.
 - The application Ref 0343/21, dated 26 January 2021, was refused by notice dated 24 February 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

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. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions and therefore the amenity of the occupiers of the neighbouring properties with particular regard to outlook, light and privacy.

Reasons for the Recommendation

5. The appeal property is a semi-detached single storey dwelling, it is located at the end of Leigh Avenue, close to the junction with Falmouth Gardens. Given the corner position of the dwelling, the rear gardens of properties on Falmouth Gardens to the north east and Merrivale Avenue to the south, border the rear garden of the appeal property.

6. The appeal property currently features a modest single storey rear extension. The proposal is for a 5.90 metre deep rear extension that would replace the existing extension.
7. The Council has assessed the proposed extension against the provisions of Schedule 2, Part 1, Class A of the GPDO, and has concluded that in respect of the limitations of development allowed by paragraph A.1 that the proposals would be in compliance with the restrictions. I do not disagree with this conclusion.
8. However, my attention has been drawn to the conditions set out in A.4, and in particular at A.4(7), which states '*Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises*'. In this respect, an objection was received from the neighbouring occupier of No.119 Falmouth Gardens, and the Council has duly considered the amenity relationship with the neighbouring properties.
9. The appeal property has a close relationship to the adjoining neighbouring property (No. 3 Leigh Avenue) although the relatively deep rear gardens allow much more space between the rear of the appeal dwelling and the properties on Falmouth Gardens (including No.119 Falmouth Gardens) and Merrivale Avenue. There is also a high fence and sections of vegetation demarcating the common boundary between the appeal property and the properties on Falmouth Gardens and Merrivale Avenue. Given the distance from the proposed rear extension, and the presence of fencing and vegetation on the common boundaries, I am satisfied that the privacy and outlook of the occupiers of these properties would not be materially affected by the proposal and it would not create an enclosing effect or impact light levels to them.
10. No. 3 Leigh Avenue (No. 3) has a small half width rear extension on the side of the dwelling furthest from the appeal property, which features windows and a glass door facing the appeal property. The proposed extension would be constructed up to the common boundary with No.3, whilst I also note the presence of a fence along this boundary, the extension would project above this fence with, according to the submitted plans, no separation from the garden. The additional scale of the proposed extension would be considerably greater than the existing extension and from within the garden of the No.3 and from the windows facing the appeal property, the outlook would be dominated by the proposed extension. On this basis, unacceptable harm to the outlook of the occupants of No. 3 would occur.
11. In terms of the effect of the proposed extension on light levels, having regard to the orientation of No. 3 roughly to the west / south west of the appeal property and the single storey nature of the extension, any loss of light would be minimal.
12. Whilst I have not found any harm in relation to the amenity of the adjoining properties on Falmouth Gardens or Merrivale Avenue, I have found that unacceptable harm to the outlook of occupants of No. 3 would occur as a result of the proposal.

Conclusion and Recommendation

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

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR