
Appeal Decision

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

Decision by R C Kirby BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2022

Appeal Ref: APP/W5780/D/21/3274685

52 Lord Avenue, Clayhall, Ilford, IG5 0HN

- 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 R Patel against the decision of London Borough of Redbridge.
 - The application Ref 0972/21, dated 26 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is a single storey rear extension with a flat roof.
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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 rear extension with a flat roof at 52 Lord Avenue, Clayhall, Ilford, IG5 0HN in accordance with the application Ref 0972/21 made on 26 February 2021, and the details submitted with it.

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.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO; and
 - If the development does constitute permitted development, the effect of the proposal upon the living conditions and therefore the amenity of adjoining premises at No. 50 Lord Avenue and No. 54 Lord Avenue.

Reasons for the Recommendation

Whether permitted development

4. Paragraph (j) (iii) of Class A.1. of the GPDO sets out that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.

5. The appeal property is a two storey semi-detached dwelling. To the rear it features a bay window and doors at ground floor and bay window at first floor. The protrusion of the bay is shallow, forming an architectural detail of the rear wall. As a matter of fact and degree, it is my view that the bay does not constitute a side wall in this case.
6. The appellant has clarified that the ground floor part of the rear bay would be removed and that the first floor bay window projection would be cantilevered over the proposed extension (as shown on drawing JND/1093/11). I am satisfied therefore that the proposal would not be built 'off' the first floor bay as asserted. The height of the new extension accords with the limitations set out within Class A.1.; a matter which is not disputed.
7. On this basis, for the reasons given above, I conclude that the development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Amenity

8. The conditions set out in A.4., and in particular at A.4.(7) of the GPDO, 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*'.
9. The occupier of the adjoining premises has raised concern that the proposal would affect daylight/sunlight to their living room, would result in a sense of enclosure and be harmful to outlook. Concerns have also been raised about security risks as a result of the design of the new roof.
10. No. 54 is attached to the appeal dwelling and the common boundary between the properties is currently demarcated by a tall fence. This property has ground and first floor bay window to habitable rooms close to the party boundary, from where the new extension would be visible.
11. The outlook from these windows would change, however the stepped design of the extension and its modest height would ensure that it would not have an overbearing or unduly enclosing effect on the rear rooms of No. 54, or its rear garden. Moreover, the single storey nature of the extension would ensure that sunlight and daylight to the rear of No. 54 would not be noticeably changed by the proposal. The living conditions of the occupiers of this property would not be adversely affected by the proposal. There are no windows in the extension that would face No. 54 and therefore there would be no reduction in privacy on account of the proposal.
12. With regard to the security concerns raised by the occupier of No. 54, and in the absence of evidence to substantiate this concern, it is unlikely that the addition of the extension would pose any increased risk to security, given its siting to the rear of the property and its design.
13. The neighbour to the south of the appeal property, No. 50 Lord Avenue is separated from the appeal dwelling by a side passage. The property features a single storey rear extension. The proposed extension would be sited opposite the flank elevation of this neighbouring single storey addition, albeit it would have greater depth. However, due to its scale, design and relationship, it would

not cause harm in terms of loss of outlook, light or privacy to the degree that would be harmful to this property's occupiers' living conditions.

14. I am therefore satisfied that the proposed extension would not result in an adverse effect on the amenity of any owner or occupier of any adjoining premises.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and prior approval should be granted.
16. Schedule 2, Part 1, Class A, Paragraph A.3. of the GPDO sets out a number of conditions that works benefitting from Permitted Development under Class A must comply with. This includes the condition that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
17. The Council request a condition that the development be carried out in accordance with the approved plans. The appeal has been assessed on the drawings submitted with the application and prior approval granted on that basis. As such, it is clear those drawings constitute the Prior Approval and a separate condition is not necessary. A condition is requested that the external materials match those used in the existing building. I have assessed this issue in the preceding paragraph. A separate condition in this respect is therefore not necessary either.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be allowed and prior approval granted.

RC Kirby

INSPECTOR