
Appeal Decision

Site visit made on 8 February 2022 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/W5780/D/21/3283403

12 Chiltern Road, Ilford IG2 7JR

- 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, Schedule 2, Part 1, Class AA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Vinod Pandhi against the decision of the London Borough of Redbridge.
 - The application Ref 2406/21, dated 7 June 2021, was refused by notice dated 30 July 2021.
 - The development proposed is a second-floor addition.
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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.

Preliminary Matters

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) was amended on 31 August 2020 to introduce Class AA to Part 1 of Schedule 2, setting out permitted development rights for development consisting of works for the construction of up to two additional storeys on an existing dwellinghouse that consists of two or more storeys, or for one additional storey on an existing single storey dwellinghouse, together with any reasonably necessary engineering operations.
4. Development is permitted under Class AA subject to various limitations and conditions. Paragraph AA.1(a) to (k) sets out a number of limitations with which a proposal must comply to fall within the scope of development permitted by the Class. In this case, there is no dispute as the Council have confirmed that the proposal would comply with these limitations. In addition, paragraph AA.2 sets out a number of conditions that must be complied with. The Council state that the proposal would harmfully impact the external appearance of the dwellinghouse, thus contravening the requirements of paragraph AA.2(3)(a)(ii).
5. Given that planning permission is granted by virtue of the Order, subject to conditions and limitations, the proposal does not require regard to be had to the development plan. I have therefore only had regard to the policies of the

development plan in so far as they are material to the matters for which prior approval is sought.

Main Issue

6. The main issue in the appeal is whether prior approval should be granted with regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

7. The appeal property is a two-storey end of terrace dwelling located on a corner plot and within a residential area. The surrounding area is comprised of other terrace and semi-detached dwellings of a similar size and design. Although it is noted that extensions have recently been undertaken to the rear of the appeal dwelling, the relative uniformity in scale and appearance with the surrounding properties on Chiltern Road contributes positively to the character and appearance of the area.
8. The dwelling currently benefits from a loft conversion with a rear dormer and roof lights on the front elevation. The proposal would replace this with an additional storey to part of the dwelling, increasing its overall height by approximately 2.6 metres.
9. Although the extension would use materials matching that of the existing dwelling and would follow the form of the existing roofline, its isolated projection above the current height of the terrace, and other dwellings within the area, would be an incongruous addition within the streetscene. This disproportionate height would be a substantial departure from the current modest size and residential appearance of the property. This would result in a dwelling with an unbalanced and overly dominant appearance from both the principal elevation on Chiltern Road and the side elevation which fronts Cambrian Avenue. Consequently, the proposal would cause significant harm to the external appearance of the host dwelling.
10. Therefore, having regard to all of the above, I conclude that the proposed development would have a harmful impact on the external appearance of the dwellinghouse and therefore would fail to comply with paragraph AA.2(3)(a)(ii) of Schedule 2, Part 1, Class AA of the GPDO and so would not constitute permitted development.

Other Matters

11. The Council have found no harm to the living conditions of the occupiers of neighbouring dwellings, in relation to loss of privacy or outlook, and I find no reason to disagree with this. However, this lack of harm is a neutral factor in my consideration of the case.
12. The appellant has stated that the dismissal of the appeal would encourage the incorrect interpretation of the legislation, other similar proposals to be refused planning permission and therefore the loss of the benefits which this permitted development right provides. However, it has not been found that the Council have incorrectly interpreted the legislation surrounding Class AA of the Order and therefore this is of no relevance to the appeal before me.

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.

Emma Grierson

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.

Hollie Nicholls

INSPECTOR