
Appeal Decision

Site visit made on 1 March 2022 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Louise Nurser BA (Hons) Dip UP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/W5780/D/21/3276810

24 Mapleleafe Gardens, Barkingside, Ilford IG6 1LG

- 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 Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ravi Chawla against the decision of London Borough of Redbridge.
 - The application Ref 0584/21, dated 9 February 2021, was refused by notice dated 18 March 2021.
 - The development proposed is single storey rear extension 6m deep.
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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. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement, improvement or other alterations of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for prior approval for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
5. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

6. I consider that the main issues in this appeal are whether the proposed development would be granted planning permission by Schedule 2, Part 1,

Class A of the GPDO and the impact of the proposed development on the amenity of adjoining premises with regard to outlook and loss of light.

Reasons for the Recommendation

7. The appeal property is a two-storey mid-terrace dwelling with no current extensions to the rear, apart from a rear dormer. The development proposed is a single storey rear extension which, from the plans submitted, would have a depth of 6 metres from the rear elevation of the original dwelling and a maximum height of 3 metres. From the details provided the proposed extension would meet the limitations of the permitted development right set out in paragraph A.1, which has not been contested by the Council.
8. Paragraph A.4(7) states that 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. As an objection to the proposed development was received from the owner of an adjoining dwelling, the stipulations within Paragraph A.4(7) must be considered.
9. The appeal site is currently separated from two neighbours at 22 and 26 Mapleleaf Gardens, by a close board scalloped timber fence which is approximately 1.8 metres in height. However, the proposal at a height of 3 metres would still be visible above this. Whilst single storey in nature with a flat roof design, the significant depth of the proposed extension, its location immediately abutting the boundaries with No.22 and 26 and the narrow nature of the gardens in this area would create a tunnelling effect and result in a sense of enclosure for the occupiers of both neighbouring dwellings in their ground floor rear rooms and section of the rear garden closest to the dwelling. This harmful impact on the neighbouring occupiers would not be negated by any outbuildings within the surrounding area, as suggested by the appellant.
10. The appellant states that the proposal would meet the 45-degree rule in relation to daylight. However, no evidence has been provided to demonstrate that this is the case. Due to the significant depth of the proposed development, the close proximity to the neighbouring properties and the southeast facing orientation of the extension, some loss of daylight to the rear rooms on the ground floor of No.22 would occur in the morning and some loss of daylight to the rear rooms on the ground floor of No.26 would occur in the afternoon. This would be to the detriment of the occupiers of these dwellings.
11. Due to the long, narrow garden of the appeal site, the proposed development would be a sufficient distance from and would not impact the adjoining properties on Greenleaf Drive to the rear.
12. Nevertheless, having regard to all of the above, I conclude that the proposed development would have a harmful impact on the amenity of the adjoining premises, 22 and 26 Mapleleaf Gardens. It would therefore fail to comply with paragraph A.4(7) of Schedule 2, Part 1, Class A of the GPDO.

Other Matters

13. The appellant has highlighted some similar proposals which have been granted planning permission or prior approval in the surrounding area. However, further details of these have not been provided and the relationship between these properties and their neighbouring properties is unknown. An appeal

decision¹ granting planning permission for a single storey rear extension at 16 Cranbrook Rise, Ilford has been provided. This highlights a fallback position, where prior approval was previously granted on the site for a single storey rear extension. The development granted prior approval at 16 Cranbrook Rise is of similar proportions to the proposal before me. However, due to the end of terrace location and the presence of other rear projections within Cranbrook Rise, the impact upon amenity is different to the appeal site before me and it is not known as to whether objections from adjoining properties were received. Nevertheless, each case must be decided on its individual merits and in relation to the relevant matters within the GPDO. Therefore, the permission at 16 Cranbrook Rise is not relevant to the appeal proposal.

14. It is noted that the proposal intends to provide additional living accommodation for the appellant's family and would increase the density on the site. Furthermore, the proposed design and materials would be in keeping with the existing built form. However, the appeal must be solely decided using the legislation within the GPDO and therefore these factors cannot be taken into consideration.

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 dismissed.

Emma Grierson

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 dismissed.

Louise Nurser

INSPECTOR

¹ APP/W5780/D/20/3257699