



Appeal Decision

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

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/W5780/D/21/3277603

54 Crossbow Road, Chigwell IG7 4EZ

- 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 Reyhan Mustafaova against the decision of London Borough of Redbridge.
 - The application Ref 1642/21, dated 16 April 2021, was refused by notice dated 26 May 2021.
 - The development proposed is a single storey rear extension coupled with internal adaptations to enable single level living for the disabled occupier.
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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 coupled with internal adaptations to enable single level living for the disabled occupier at 54 Crossbow Road, Chigwell IG7 4EZ in accordance with the application Ref 1642/21, made on 16 April 2021, and the details submitted with it including plan no. 54CR/001, 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 Matter

3. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

Main Issue

4. I consider that the main issues in this appeal are whether the proposed development would be granted planning permission by Article 3, 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.

Reasons for the Recommendation

5. The appeal property is a two-storey end of terrace dwelling with a large timber pergola attached to the rear. The development proposed is a single storey rear extension to replace the existing timber structure. From the plans submitted with the application, the rear extension would measure 5 metres deep from the rear elevation of the original dwelling with a maximum height of 3.675 metres. The roof would have a pitched roof reducing to an eaves height of 2.615 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.
6. Paragraph A.4(7) states that where any owner or occupier of the adjoining premises objects to the proposed development, the prior approval of the LPA is required as to the impact of the proposed development on the amenity of any adjoining premises. An objection to the proposed development was received from the occupier of an adjoining dwelling. The appellant claims that this objection has been withdrawn and has provided an unsigned copy of the withdrawal letter. However, this has not been provided by the Council and therefore I will consider the proposal in accordance with Paragraph A.4(7).
7. The Council have found that there would be no impact from the proposed development on the occupiers of the adjacent property, 52 Crossbow Road, or to those adjoining properties to the rear and side of the appeal site on Burrow Green and The Lowe. I find no reason to disagree with this conclusion. Therefore, the attached dwelling at 56 Crossbow Road is the only property considered in this appeal in relation to the impact on amenity.
8. The proposed extension would sit directly adjacent to the boundary with No.56 and would be a larger and more permanent version of the existing timber structure which is currently to the rear of the dwelling. Nevertheless, it has been designed with a pitched roof and a low eaves height to ensure the impact upon the occupier of the neighbouring dwelling is minimal. Due to the shape of the garden, the proposal would also be slightly angled away from this neighbouring property. Therefore, whilst the proposal would have a substantial depth, it would not significantly impact the outlook from the rear habitable rooms of No.56 or the garden.
9. The relatively modest single storey height would ensure that the proposal would not have a significant impact on the daylight or sunlight received by the neighbouring property. Furthermore, there is currently a close boarded fence between the two properties, at a height of around 2 metres, which would partially block views of the proposed extension from the neighbouring dwelling. The proposal would therefore not have an enclosing or overshadowing effect on the patio area within the rear garden of No.56.
10. It is noted that concerns were also raised within the objection regarding noise during the construction of the proposed development. However, as this would only be temporary, it would not be a sufficient reason to withhold prior approval being granted. Reference to The Rights of Light Act 1959, also within the objection, is a civil matter and therefore not a relevant consideration in relation to this appeal.

11. Having regard to all of the above, I conclude that the proposed development would comply with the stipulations of Schedule 2, Part 1, Class A of the GPDO and so would constitute permitted development. It has also been found that the proposed rear extension would not result in unacceptable impacts on the amenity of the occupants of the adjoining property, 56 Crossbow Road as required by Paragraph A.4(7).

Other Matters

12. The appellant has indicated that personal circumstances have led to the need for the development and this particular form of accommodation. Therefore, in determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity.

Conditions

13. The Council have requested a condition to ensure that the development accords with the plans. However, this is not necessary as Paragraph A.4(11)(a) requires that the development must be carried out in accordance with the details approved. Similarly, Paragraph A.3 requires the materials used in any exterior work (other than materials used in the construction of a conservatory) to be of similar appearance to those used for the existing dwelling house and no further condition to this effect is therefore necessary.

Conclusion and Recommendation

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

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

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

David MH Rose

INSPECTOR