



Appeal Decision

Site visit made on 8 March 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/W5780/D/21/3278911

10 Cranbrook Rise, Cranbrook, Ilford, IG1 3QN

- 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 appeal is made by Mr Nasyar Miah against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1131/21, dated 13 March 2021, was refused by notice dated 21 April 2021.
 - The development proposed is a single storey rear extension with a depth of 6.00 metres, highest point of 3.50 metres and height at the eaves of 3.00 metres.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) 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 on the same basis.
3. The appellant has referred extensively to the principle of the development, the National Planning Policy Framework and local development plan policies. However, the principle of development under Class A is established by the Order and there is no statutory requirement to have regard to the development plan in relation to prior approvals.

Reasons

4. The appeal site is an end of terrace property, attached to 12 Cranbrook Rise (No 12). At present, the rear wall of the appeal site projects slightly beyond that of No 12, and both have single storey rear elements, typical of terraced properties, although not along the shared boundary.
5. It is proposed to extend the property to the rear across the full width of the ground floor, using matching materials, to a depth and a height which meets the relevant requirements of Part 1, Class A. The extension is proposed along the boundary line between the appeal site and No 12. Although the depth of the extension would be slightly reduced along this common boundary it would still be deeper than similar rear elements on the appeal site and the immediate

neighbours. The extension would therefore be close to the windows and doors serving the ground floor habitable room of the adjoining property.

6. Coupled with its height, the depth and location of the proposal leads me conclude that it would unacceptably increase the sense of enclosure to and loss of outlook from the adjoining property, No 12. Owing to the orientation of the properties, the proposal would also be likely to unacceptable overshadowing, as well as a reduction in the overall level of light received by the adjoining property. In combination with the effects on light, the increased sense of enclosure and loss of outlook, the proposal would therefore be harmful to the amenity of the adjoining property.
7. I note the suggestion of the appellant that existing boundary treatments, gaps and intervening distance would mitigate against any sense of enclosure and (loss of) outlook. However, as the extension is proposed along the shared boundary, the retention of any boundary treatments further down the garden, and indeed, the gaps that would remain, would not mitigate the harm that I have found.
8. I recognise that consistency in the planning process is important and like cases should be decided in a like manner. However, it is also important that each case is determined on its own merits and on the basis of the evidence before the decision maker at the time. I have however had regard to the examples of other similar proposals in the area.
9. However, all of them differ from the proposal before me, either in terms of what they propose, the specific details of their sites, or the process by which a decision on them was reached (notably with regard to the receipt of objections to a prior approval notification). Similarly, the appeal decision referred to was made in the context of a previous consent of likely similar effect. As a result, none of these matters alter my conclusions or lend support to this particular proposal, on this site.

Conclusion

10. For the reasons given above, I conclude that as the proposal would be harmful to the amenity of No 12, the appeal should be dismissed.

S Dean

INSPECTOR