



Appeal Decision

Site visit made on 15 February 2021 by Thomas Courtney BA(Hons) MA

Decision by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/B5480/D/21/3275843

201 Cherry Tree Lane, Rainham, RM13 8TU

- 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 Miss Sarah Moynihan against the decision of the London Borough of Havering Council.
 - The application Ref Y0133.21, dated 17 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is a single storey extension with an overall depth of 8m, a maximum height of 3m, and an eaves height of 3m.
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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 extension with an overall depth of 8m, a maximum height of 3m, and an eaves height of 3m at 201 Cherry Tree Lane, Rainham, RM13 8TU in accordance with the application Ref Y0133.21 made on 17 March 2021, and the details and plans submitted with it, 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.

Main Issue

3. 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 on the basis of its impact on the amenity of any adjoining premises, where any adjoining occupier objects to the development. As an adjoining neighbour objected to the application, the Council assessed the impact of the proposal and found it unacceptable.
4. Based on the Council's decision notice, the main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of 199 Cherry Tree Lane with particular regard to a loss of outlook and an increased sense of enclosure.

Reasons for the Recommendation

5. The appeal site comprises a 1.5 storey detached property located on the north western side of Cherry Tree Lane within an established residential area. The appeal property features two single-storey rear projections which would be demolished and replaced by the proposal. On my site visit I observed that the small outbuilding referred to by the Council had been demolished.
6. The development would have a simple and neutral design and would be of a modest scale as it would only be 3 metres in height. It would not sit on the common boundary with No.199 and given the neighbouring property is also set-in from the boundary there would be a separation gap and a degree of relief between the two dwellings which would assist in limiting the impacts of the extension.
7. Furthermore, in light of the demolition of the small shed within the rear garden of the appeal property, the amount of unrelieved built form within a metre of the boundary would not be as extensive as the Council stated it would be as a result of the proposal. The proposed extension would therefore not appear excessively obtrusive or bulky when seen from the rear elevation and garden of No.199 nor, due to its acceptable depth and single storey height, would it lead to an increased sense of enclosure. For these reasons I consider that the outlook from No. 199's rear elevation windows and garden would not be unreasonably and adversely affected. The neighbouring property would still enjoy open rear views towards the north-west, overlooking an adequate amount of garden space.
8. I note the neighbour's comments regarding access to light. However, due to the orientation and position of the buildings, and the single storey height of the proposed extension, it is not considered that the development would result in a loss of light for the neighbouring occupants.
9. For the above reasons, I conclude that the proposed development would not adversely impact on the living conditions of the occupants of 199 Cherry Tree Lane with regards to outlook and sense of enclosure.

Conditions

10. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. No further conditions are necessary.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

12. 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