



Appeal Decision

Site visit made on 12 April 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2022

Appeal Ref: APP/Z5060/D/21/3282849

28 Halsham Crescent, Barking IG11 9HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Benson Benjamin against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/01124/PRIEXT, dated 17 June 2021, was refused by notice dated 20 July 2021.
 - The development proposed is a single storey rear extension extending 6m from beyond the rear wall of the original dwellinghouse no more than 3m in height at eaves and 3m at highest point.
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Decision

1. The appeal is allowed and prior approval is not required 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) (GPDO) for a single storey rear extension extending 6m from beyond the rear wall of the original dwellinghouse no more than 3m in height at eaves and 3m at highest point at 28 Halsham Crescent, Barking IG11 9HG in accordance with the terms of the application, Ref 21/01124/PRIEXT, dated 17 June 2021, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, grant planning permission for the enlargement of a dwellinghouse subject to limitations and conditions. Conditions at paragraph A.4 of Class A apply to development which would exceed the limits at paragraph A.1(f) but would comply with the limits at paragraph A.1(g). The proposed development would comprise a single storey rear extension to a mid-terrace house which would extend beyond the rear wall of the house by 6 metres. Paragraph A.4 is therefore applicable.
3. The Council notified the owners/occupiers of adjoining premises about the proposal in accordance with paragraph A.4(5) and received comments from one owner/occupier of an adjoining premises. Paragraph A.4(7) states the prior approval of the Council would have been required as to the impact of the proposal on the amenity of any adjoining premises if any owner or occupier of any adjoining premises had objected to the proposal. No prior approval would be required if no objections were received from any owner or occupier of any adjoining premises.

Main Issues

4. Taking the above into account, the main issues are: (i) whether prior approval is required, with specific regard to whether any owner or occupier of any adjoining premises has objected to the proposed development; and (ii) if any owner or occupier of any adjoining premises has objected to the proposed development, the impact of the proposed development on the amenity of any adjoining premises.

Reasons

5. The comments received by the Council from the owner/occupier of an adjoining premises comprise a covering email and a letter. The covering email states: 'I have no objection to the extension' and the letter states: 'I have no objection to an extension being built'. These statements are made in the context of the neighbour raising concerns that the proposed development may cause a loss of natural light to their kitchen, which was requested to be checked.
6. The Council has recorded these comments as an objection against the proposal, but my reading of the letter and covering email are that the neighbour has sought to clearly communicate their concern with the proposal and requested that their concern is examined, without raising an objection. It would have been appropriate in those circumstances for the neighbour to have been informed that no consideration could be given to the impact of the proposal on the amenity of any adjoining premises if no objection was received.
7. In the absence of an objection against the proposal from any owner or occupier of any adjoining premises, there is no requirement for any prior approval specified by paragraph A.4(7) of Class A. There is therefore no need for me to consider the second main issue.

Conditions

8. Paragraph A.3 of Class A sets out the conditions applicable to the proposal, which include the need for the materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwelling. I have included reference to the plans and details submitted as part of the application pursuant to paragraph A.4(2) in the opening paragraph of this decision. As no prior approval is required for the proposal, it is not possible for me to impose any additional conditions.

Conclusion

9. For the reasons given above, prior approval is not required, and the appeal should succeed.

L Douglas

INSPECTOR