



Appeal Decision

Site visit made on 24 August 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2022

Appeal Ref: APP/W5780/D/21/3283286

204 Overton Drive, Romford RM6 4EF

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Millul Chowdhury against the decision of The Council of the London Borough of Redbridge.
 - The application Ref 3091/21, dated 15 July 2021, was refused by notice dated 3 September 2021.
 - The development proposed is described on the application form as: 'The proposal is 2nd floor addition.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to development plan policies¹ within the reason for refusal. However, the principle of development has been established through the grant of permission by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Indeed, prior approval appeals are not determined on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004. Notwithstanding this, I have taken the development plan policies into account only insofar as they are relevant to the prior approval matters under consideration.
3. Under Article 3(1) and Class AA of Part 1 of Schedule 2 of the GPDO, planning permission is granted for the enlargement of a dwellinghouse by construction of additional storeys. The Council refused to grant prior approval in relation to paragraph AA.2, and in particular the effect of the proposal on the external appearance of the dwellinghouse.

Main Issue

4. The main issue in this appeal is whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

5. 204 Overton Drive (the Host Property) is a two-storey mid-terrace dwelling. The terrace comprises a total of four houses. The property at the opposite end

¹ London Plan (2021) Policy D4 and Redbridge Local Plan 2015-2030 (2018) Policies LP26 and LP30

of the terrace has a slightly lower ridge height and is set back slightly from the other properties. However, the other three properties, including the Host Property, comprise a predominantly consistent scale, bulk, roof form and maximum ridge height, when viewed within the street scene. Indeed, despite minor external alterations to the front of these properties, they have a very uniform appearance.

6. The proposed development would add an additional storey to the Host Property. This would involve a significant increase in the bulk and scale of the dwelling, which would rise above the adjacent attached dwellings. As a result, the proposed development would jar significantly with the appearance of the terrace. This would result in a significant harmful visual impact within the street scene, which would be clearly apparent when viewed from Overton Drive. I note that matching materials are proposed but this does not overcome the visual harm that would be caused by the proposed development.
7. I acknowledge that there are three-storey buildings on the opposite side of Overton Drive. However, this character is markedly different to the terrace within which the Host Property is located. As such, this consideration does not outweigh the harm which would be caused.
8. The appellant suggests that to dismiss this appeal would encourage local planning authorities to 'misinterpret' the GPDO. However, every case should be treated on its own merits and whilst the GPDO does grant permission for upwards extensions, this is subject to certain conditions including the consideration of the impact of the proposal on the external appearance of the dwellinghouse.
9. The extent to which the development would not be harmful in other respects (for example: overlooking, privacy and loss of light) does not overcome the harm which I have identified. Indeed, these are separate considerations.
10. I therefore find that the proposal would not comply with paragraph AA.2(3)(a)(ii) of Class AA of Part 1 of Schedule 2 of the GPDO, which relates to the impact on the external appearance of the dwellinghouse.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Luke Simpson

INSPECTOR