The Planning Inspectorate

Appeal Decision

Site visit made on 13 September 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/W5780/D/21/3288000
16 Avery Gardens, Gants Hill, Ilford IG2 6UJ

- 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 Ms Syeda Islam against the decision of the Council of the London Borough of Redbridge.
- The application Ref 3787/21, dated 14 September 2021, was refused by notice dated 21 October 2021.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

3. The main parties do not dispute that the appeal scheme meets the requirements of Schedule 2, Part 1, Class A of the GPDO such that it would constitute permitted development, subject to conditions.

4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(7) provides that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

5. In the case of the appeal before me, the provisions of paragraph A.4(7) have been triggered, and the Council have refused prior approval on this basis.

Main Issue

6. The main issue is the effect of the development proposed on the amenity of the occupants of 14 Avery Gardens, with particular regard to outlook and natural lighting.

Reasons

7. The appeal site contains a two storey end of terrace property on the southern side of Avery Gardens. The surrounding properties are similar in their scale and appearance, many having been extended to the rear to varying degrees.

8. Number 14 Avery Gardens adjoins the appeal site to the west and its garden is separated by a brick wall above which some visibility between the gardens exists. No.14 has an existing full width single storey rear extension, which includes windows and doors in its rear elevation facing into the rear garden. Based on the evidence, and the findings of my site visit, I understand the large window closest to the shared boundary serves a kitchen and is an important point of outlook and source of natural lighting to that kitchen and to the back of the property.

9. The proposed extension would project along the boundary and close to that kitchen window of no.14. The proximity of that window to the boundary, in combination with the depth and height of the proposed extension along the boundary, would result in a harmful enclosing and oppressive effect on the outlook from the kitchen. In addition, based on the evidence before me, given the depth and height of the proposed extension and the south facing orientation of the back of the properties, it is likely that the kitchen window would experience a notable reduction in daylight and also sunlight in the morning hours.

10. Taken together, and in absence of substantive evidence to the contrary, the proposed extension would have a harmful effect on the amenity of no.14 in terms of its outlook and natural lighting.

Other Matters

11. The appellant has drawn my attention to the Council's decisions relating to a proposed rear extension at 152 Ecclestone Crescent[1]. In those cases the Council found that the impacts on the amenity of the neighbouring property, 154 Ecclestone Crescent, were acceptable due to the presence of an existing 3m deep extension to that property. I do not have details of the nature of the relationship between those properties, for example in respect of their boundary treatment or proximity of windows to the boundary. However, I note that the affected elevations were north facing and the Council took this into account in concluding that the impact was acceptable overall. Based on the evidence, those circumstances are materially different to the appeal scheme and do not provide reason to alter my judgement.

Conclusion

12. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

[1] 3821/21 and 4338/21