



Appeal Decision

Site visit made on 4 October 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/Z5060/D/21/3288593
793 Green Lane, Dagenham RM8 1DD

- 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 Mabel Kaneza against the decision of the London Borough of Barking and Dagenham Council.
 - The application ref: 21/01555/PRIEXT, dated 16 August 2021, was refused by notice dated 28 September 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and prior approval is deemed to be 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 rear extension at 793 Green Lane, Dagenham RM8 1DD in accordance with the application 21/01555/PRIEXT made on 16 August 2021, and the details submitted with it including plans Nos PL01, PL03, PL04, PL05, PL06 and PL07, and pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary 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)¹, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. 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(3) provides that the local planning authority (LPA) may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 requires the LPA to assess the impact of the proposed development on the amenity of any adjoining premises, taking into account any representations received.

¹ All cited paragraph numbers, unless otherwise stated, are from this Part of the GPDO.

Main Issue

5. The main parties agree that the proposal complies with the criteria of paragraph A.1. Due to an objection from an adjoining neighbour, the prior approval of the LPA was required and subsequently refused.
6. Therefore, the main issue, is whether the proposed development would impact the living conditions of occupants of the adjoining premises, 791 and 795 Green Lane, with specific regard to light and outlook.

Reasons

7. The appeal property is a modest mid-terrace dwelling in an established and suburban residential area. The property itself has a relatively wide rear elevation and a reasonably long rear garden. Nos 791 and 795 are similarly proportioned and all 3 back onto the large side garden of the property behind. This provides a comparatively open rear facing aspect which is not hindered by any significant landscaping or trees. The 3 properties rear gardens are separated by wooden fencing preventing intervisibility and providing privacy to the gardens and ground floor rear elevations.
8. No 795 has a full width single storey rear extension extending above the boundary fencing but of a similar depth to other single storey rear extensions in the terrace. No 791 has a small outbuilding adjacent to the shared boundary with the appeal property and a conservatory beyond. The outbuilding is positioned directly in front of and very close to the only ground floor window in the rear of No 791 and is linked to the conservatory by an informal roof structure creating a small covered outdoor area.
9. The proposal would create some additional shadowing which would affect the gardens of both adjoining properties at different points in the day. However due to the broadly northerly orientation of the rear elevations of the 3 properties in question; the existing shadow created across the gardens by the existing dwellings and boundary fencing; the width of the individual properties; and the length of their gardens; I do not find that the increase in shadow from the proposal would have such a detrimental effect on the amount of sunlight available to cause any significant impact to the living conditions of the occupants of Nos 791 and 795.
10. The largely open aspect towards the rear of the gardens would ensure reasonable levels of daylight would be retained for the occupants of Nos 791 and 795. This is because although the proposal would be taller than the boundary fencing it would not encroach substantially into the rear part of the gardens.
11. It is appreciated the proposal would be visible to the occupants of No 795. However, the proposal would not project beyond the extension at No 795 significantly more than existing rear extensions in the terrace extend beyond the rear elevations of their neighbours. This in conjunction with the width of the properties and length of gardens, I am satisfied the proposal would not be overbearing, so would not have a significant impact on the outlook from No 795.
12. Due to the composite arrangement of extensions and additions to the rear of No 791, the proposal would only be visible from the rear facing windows of the conservatory. However, observing the setback position of the conservatory

from the shared boundary, the proposal would not have a significant impact on outlook for the occupants of No 791.

13. Comments related to privacy are noted, nevertheless any potential ground floor overlooking of adjacent properties both from within the proposal or the garden would be screened by the existing boundary fencing.
14. Consequently, the proposed development would not significantly impact the living conditions of the occupants of the adjoining premises, 791 and 795 Green Lane, regarding light and outlook.

Conditions and Conclusion

15. The appellant's attention is drawn to the conditions and limitations imposed on the granting of prior approval within paragraph A.3 of the GPDO. These ensure the details of the proposal are adhered to.
16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is deemed to be granted.

RJ Redford

INSPECTOR