



Appeal Decision

Site visit made on 8 November 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 December 2022

Appeal Ref: APP/W5780/D/22/3296167

38 Arandora Crescent, Chadwell Heath, Redbridge, Romford RM6 4SS

- 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 GPDO).
 - The appeal is made by Mr Suyab Ahmed against the decision of the London Borough of Redbridge.
 - The application Ref 0477/22, dated 15 February 2022, was refused by notice dated 31 March 2022.
 - The development proposed is a single storey rear extension.
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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 GPDO for a single storey rear extension at 38 Arandora Crescent, Chadwell Heath, Redbridge, Romford RM6 4SS in accordance with the application Ref 0477/22, dated 15 February 2022, and the details submitted with it, including Drawing Nos 18/975/001 (Site Location and Block Plan) and 18/975/003 (Proposed Plans and Elevations) pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. I note that the Council determined a prior approval application for a 5 metre rear, single storey extension at the appeal premises in 2020, concluding that Prior Approval was decided as 'not required'. This has yet to be implemented. The Council has also confirmed that prior approval was 'not required', for a rear extension at the adjoining premises at 40 Arandora Crescent (No.40), which is of approximately the same dimensions as that sought under this appeal, and in a similar position on the dwelling. This is under construction and the envelope of this rear extension is substantially complete.
3. Under Article 3(1) and Schedule 2, Part 1, Class A, of the GPDO, planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. The Council has not identified any conflict with these other than paragraph A.4(7) of the GPDO that states 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. From the evidence before me I have reached the same finding.

Main Issue

4. The main issue is the effect of the proposed development on the amenity of the occupiers of the adjoining premises with particular regard to outlook and light.

Reasons

5. The appeal site is a mid-terraced property with a narrow but long rear garden, separated from neighbouring plots by tall close boarded boundary fencing. The properties in the immediate vicinity comprise similar terraced dwellings with comparable garden space, with a variety of alterations and extensions having been made to the rear elevations.
6. The proposal seeks prior approval for a single storey rear extension projecting 6 metres beyond the rear wall of the property, running almost flush with both shared boundaries, with an eaves height of 3 metres and the highest point of the roof being 3.1 metres.
7. As the rear extension under construction at No.40 is of a similar size and position to the appeal proposal and has no windows facing the appeal site, there would be no discernible impact on the outlook from the windows and the garden area at No.40. There would also be no detrimental effect on levels of daylight or sunlight entering this premises.
8. No.36 Arandora Crescent (No.36) has no rear extension. However, although the proposed extension would be partially visible above the fence line, the eaves and upper roof height would be relatively low, and it would therefore not result in the extension being visually dominant. Furthermore, the main outlook from the rear, habitable windows of No.36 are directed towards its long linear garden. As such, although the proposed extension would be long, it would not have an overbearing or have an enclosing effect on those occupants given the overall space available.
9. Considering the northerly location of the appeal premises in relation to No.36 and the orientation of the gardens, there would be little effect from the proposed extension on the levels of daylight and sunlight entering the rear garden and windows of No.36. The effect beyond that of the existing fence would be marginal. Nor would it create any unacceptable shadowing unduly impacting on the residents' ability to enjoy this area.
10. Whilst the appeal proposal would be of a greater depth than usually considered acceptable in the Council's SPD¹, the outlook from the windows and garden area at No.36 would not be unacceptably restricted, and there would be no significant loss of light. As such, it would not be contrary to the overall amenity protection aims of the SPD. Also, whilst the proposal might not comply with the 45-degree rule, as illustrated in the SPD, the orientation of the properties and the presence of the existing tall boundary fence mean that this would not be a strong reason to find the appeal proposal unacceptable.
11. I am also mindful that prior approval was determined as being 'not required' for a 5 metre extension of similar form at the appeal premises. This alternative development could be implemented, and represents a fallback position against which to assess the current proposal. I consider that the impact of the appeal scheme on No.36 would be largely the same in either instance. The limited

¹ London Borough of Redbridge Housing Design Supplementary Planning Document 2019 (SPD)

additional depth of the appeal proposal, affecting the part of the adjoining garden furthest away from the dwelling would bring few additional impacts.

12. Overall, I find the proposed development would not unacceptably harm the amenity of the occupiers of the adjoining premises with particular regard to outlook and light. As such, it complies with the provisions of Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO.

Conditions

13. Conditions relating to matching materials, the commencement of development and that the scheme is in accordance with the plans are not necessary as these are all addressed by the provisions within paragraphs A.3 and A.4 of the GPDO.
14. I have included reference to the plans and details submitted as part of the application in the opening of this decision. On the evidence submitted, I do not consider that there are any necessary conditions reasonably related which should be attached in addition to those imposed by the GPDO.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

G Bayliss

INSPECTOR