



Appeal Decision

Site visit made on 21 February 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7th March 2023

Appeal Ref: APP/U5930/W/22/3304046

46 Bourne Gardens, Waltham Forest, Chingford E4 9DX

- 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 Mr Sahinsah Rahmi against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 221795, dated 24 May 2022 was refused by notice dated 06 July 2022.
 - The development proposed is ground floor rear extension with flat roof.
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Decision

1. The appeal is dismissed.

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), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.

Main Issue

3. The main issue is whether the development would be permitted development under Schedule 2, Part 1, Class A of the GPDO, having particular regard to the conditions set out at paragraph A.4.

Reasons

4. The site is an end of terrace dwelling in the residential street of Bourne Gardens, close to the junction with Lynton Road. It has a long, narrow rear garden which shares a boundary with properties on Lynton Road. The rear gardens of properties along Ainslie Wood Gardens are also located immediately to the west.
5. The proposal relates to the erection of a single storey ground floor rear extension at the site, with a height of 3 metres and a depth of 6 metres. As such, while it would exceed the limits in Schedule 2, Part 1, Class A, Paragraph A.1(f) of the GPDO, paragraph A.1(g) to Part 1 is applicable.
6. Paragraph A.4(2) states that, in such cases, before beginning development certain information is to be submitted to the local planning authority, including the addresses of any adjoining premises. The appellant has provided the addresses of No. 44 Bourne Gardens and Nos. 45, 47, 49, 51 and 53 Lynton Road. However, there are other adjoining premises which were not noted.

7. Based on the submitted information and my observations on site, Nos. 41 and 43 Lynton Road abut the rear garden of the appeal property, in addition to land associated with properties on Ainslie Wood Gardens to the west. While these properties would be some distance from the proposal, they are nevertheless adjoining premises for the purposes of this section of the GPDO. As such, the addresses of these properties should have been provided to the local planning authority.
8. Paragraph A.4(3)(b) states that the local planning authority may refuse the application where it considers that the developer has provided insufficient information to establish whether the proposed development complies with the applicable conditions, limitations or restrictions. In this case, certain properties have not been identified by the appellant as adjoining the site. As such, the procedural requirements to enable the proposal to be permitted development have not been met. The proposal cannot therefore benefit from the permitted development right under the GPDO as the conditions set out within it have not been complied with.

Other Matters

9. The appellant has stated that no objections to the proposal were received from any neighbours that were consulted. Nevertheless, it remains that the addresses of other adjoining premises were not provided, contrary to the GPDO requirements.
10. I acknowledge the appellant's dissatisfaction about the handling of the prior approval application. However, this has no bearing on the planning matters of this appeal.

Conclusion

11. For the reasons given above the appeal should be dismissed.

C Rafferty

INSPECTOR