



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: 9 March 2023

Appeal A Ref: APP/W5780/D/22/3306497

38 Chiltern Way, Redbridge, Woodford Green IG8 0RQ

- 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 Tujen Salih against the decision of the Council of the London Borough of Redbridge.
- The application Ref 2422/22, dated 19 July 2022, was refused by notice dated 16 August 2022
- The development proposed is single storey rear extension extending beyond the rear elevation by 7.99m

Appeal B Ref: APP/W5780/D/22/3307707

38 Chiltern Way, Redbridge, Woodford Green IG8 0RQ

- 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 Tujen Salih against the decision of the Council of the London Borough of Redbridge
- The application Ref 2428/22, dated 19 July 2022, was refused by notice dated 16 August 2022.
- The development proposed is part demolition of existing side extension and proposed side extension extending beyond the rear elevation by 5.1m

Decisions

1. Appeal A is allowed and prior approval is not required 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 single storey rear extension extending beyond the rear elevation by 7.99m at 38 Chiltern Way, Redbridge, Woodford Green IG8 0RQ in accordance with the application Ref 2422/22, made on 19 July 2022, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).
2. Appeal B is allowed and prior approval is not required 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 part demolition of existing side extension and proposed side extension extending beyond the rear elevation by 5.1m at 38 Chiltern Way, Redbridge, Woodford Green IG8 0RQ in accordance with the application Ref 2428/22, made on 19 July 2022, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

3. 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.
4. Where an application is made for prior approval 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 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.

Main Issues

5. The main issue in both appeals is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

6. The site is a detached dwelling in a sizeable plot. The rear elevation of the dwelling has an original, modest rear bay window at ground floor level, the top of which is used as a balcony. Single storey side extensions are present on the eastern and western elevations, in use as a utility/ storage room and garage, respectively.

Appeal A

7. The proposal subject to Appeal A relates to a single storey rear extension at the property that would extend 7.99 metres beyond the rear wall of the dwelling at an eaves height of 2.99 metres. While its depth would exceed the limits in paragraph A.1(f) of the GPDO, paragraph A.1(g) applies. This states that development is not permitted by Class A if the enlarged part of the dwellinghouse would have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or (ii) exceed 4 metres in height, with which the proposal would comply.
8. Paragraph A.1(k)(i) of the GPDO further states that development is not permitted by Class A if it would consist of or include the construction or provision of a verandah, balcony or raised platform. The flat roof of the proposal would adjoin the first floor balcony at the property. However, the extent of this balcony would be unaffected by the proposal. The current placement of balustrades enclosing the balcony would remain, such that its footprint and dimensions would be unchanged by the proposal, and no access from the balcony to the roof of the proposal would be provided.
9. In this regard, while the proposal would connect with the current balcony, it would neither construct nor provide a balcony, verandah or raised platform at the property in its own right, complying with the provisions of paragraph A.1(k)(i) of the GPDO. In addition, the presence of the balcony would not alter the maximum height of the proposal or the fact that the extension itself would remain single storey in nature.
10. For these reasons, I find that the proposal falls within the provisions for permitted development under Schedule 2, Part 1, Class A of the GPDO.

Appeal B

11. The proposal subject to Appeal B relates to a single storey side extension at the east side of the property that would extend 5.1 metres beyond the rear wall of the dwelling at an eaves height of 2.99 metres. Technical Guidance on Permitted Development Rights for Householders is clear that an extension on a side wall that extends beyond a rear wall, but is not attached to a rear wall, will be subject to the restrictions that apply to rear walls as well as the restrictions on side walls.
12. While the depth of the proposal would exceed the limits in paragraph A.1(f) of the GPDO, paragraph A.1(g) applies, with which the proposal would comply. Paragraph A.1(j) of the GPDO further states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse. The width of the proposal would be 2.2 metres, which would be less than half the width of the original dwelling, such that the proposal would overall comply with this paragraph.
13. Paragraph A.1(ja) of the GPDO states that development will not be permitted by Class A if any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) would exceed the limits in paragraphs (e) to (j). The eastern and western side extensions at the property have already served to extend the footprint of the original dwelling. However, the proposal would not adjoin the garage and, while it would join the utility/ storage room, the combined dimensions would remain compliant with the provisions of the GPDO. Nevertheless, parties should be mindful of the provisions of paragraph A.1(ja) in the event that the development subject to Appeal A is built out.
14. The Officer's Report states that the proposal subject to Appeal B would fail to comply with paragraph A.1(k) of the GPDO. However, on the basis of the plans the proposal would not involve the installation, alteration or replacement of a veranda, balcony or raised platform, microwave antenna, chimney, flue or soil and vent pipe.
15. For these reasons, I find that the proposal falls within the provisions for permitted development under Schedule 2, Part 1, Class A of the GPDO.

Other Matters

16. Paragraph A.4(7) states that prior approval is required for extensions under Paragraph A.1(g) where any owner or occupier of any adjoining premises objects to the proposed development. The Council consulted the owner/occupiers of adjoining premises in relation to both Appeal A and Appeal B and received no objections to the proposals.

Conclusion

17. For the reasons given above, I conclude that both Appeal A and Appeal B should be allowed and prior approval is not required.

C Rafferty

INSPECTOR