



Appeal Decision

Site visit made on 20 April 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/B5480/D/22/3302335

37 Kingshill Avenue, Romford, Havering RM5 2SB

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Farhana Zaman against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0072.22, dated 4 March 2022, was refused by notice dated 12 April 2022.
 - The development proposed is erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

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 (GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of a single storey extension beyond the rear wall of the original dwellinghouse by no more than 6 metres, in the case of a semi-detached dwellinghouse, subject to various limitations and conditions.
3. Paragraph A.4(7) of Class A stipulates 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.
4. An objection was received from the occupier of an adjoining property. The Council therefore considered the impact of the proposed development on the amenity of any adjoining premises, as required. The Council subsequently refused the application on grounds relating to the effects of the proposal on the amenity of adjacent occupiers at 35 Kingshill Avenue
5. The main issue is therefore whether prior approval should be granted, having regard to the effects of the proposal on the amenity of the occupiers of 35 Kingshill Avenue (No 35), with particular regard to outlook and light.

Reasons

6. The appeal property and adjoining dwelling at No 35 are a pair of semi-detached houses with rear elevations that are approximately north-west facing. Both dwellings also feature rear gardens on their north-western side. The

appeal property sits on an appreciably higher ground level than No 35, due to the topography of the area.

7. Adjacent to the shared boundary with the appeal site, the rear elevation of No 35 features a sliding patio door, serving a living / dining room area. The patio door opens out onto an outdoor patio area. The shared boundary features relatively low timber fencing and some limited vegetation. This provides minimal screening. Given the orientation of No 35, its rear elevation and patio receive limited direct sunlight.
8. No supporting information was submitted with the application to demonstrate the effect of the proposal on light levels to neighbouring properties and none has been received in relation to this appeal. I must therefore assess the relevant matters on the merits of the case as I see them.
9. The Council's Residential Extensions and Alterations Supplementary Planning Document (SPD) Adopted 2011 advises that whether the depth of a rear extension is acceptable will depend on a number of considerations, including proximity to neighbouring dwellings, orientation and level changes. It indicates that, as a general rule, houses can be extended from the original rear wall by up to 4 metres for a semi-detached dwelling. Larger rear projections should be within an angle of 45 degrees taken from the 4 metres dimension on the property boundary, in order to ensure a reasonable level of amenity is afforded to neighbouring properties.
10. The plans before me show that the proposal would extend more than 4 metres beyond the rear wall of No 35, immediately along the shared boundary. This would infringe on the 45-degree guidance set out in the SPD. The proposal would feature a modest flat roof, however it would project considerably above the existing boundary treatments and extend significantly higher than No 35's patio door due to the topography of the area.
11. While the proposal is not significantly beyond the guidelines within the SPD, the difference in levels would unduly amplify the height of the extension relative to No 35. Along with the proposal's overall depth and proximity, I find that this would result in a harmful sense of enclosure, detrimental to the outlook from the patio doors and patio area of No 35. Additionally, this would further restrict light to No 35's rear elevation and patio area due to the site's orientation.
12. I therefore conclude that the proposal would have a harmful effect on the amenity of the occupiers of 35 Kingshill Avenue, with particular regard to outlook and light.

Other Matters

13. While the current occupier of No 35 may not have any objections to the proposal, the GPDO requires that the impact of the proposed development on the amenity of any adjoining premises be assessed. Paragraph 130 of the National Planning Policy Framework requires that planning decisions ensure that developments create places with a high standard of amenity for both existing and future users. The absence of an objection from the current occupier would therefore not in itself outweigh the identified harm.
14. I recognise the owner / occupier of No 35 could install a tall boundary fence along the shared boundary. However, there is no evidence before me to indicate planning permission has been granted for a fence similar in height to

the appeal proposal. Without planning permission, any such boundary treatment would be limited in height to 2 metres by virtue of the provisions of the GPDO. This would be considerably lower in height than the appeal proposal and therefore the effect on the amenity of the occupiers of No 35 would not be comparable.

Conclusion

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

Ryan Cowley

INSPECTOR