



Appeal Decision

Site visit made on 12 June 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2023

Appeal Ref: APP/B5480/D/22/3302017
27 Dee Way, Havering, Romford RM1 4XA

- 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) ("GPDO").
 - The appeal is made by Mr Jamil Ali against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0110.22, dated 7 April 2022, was refused by notice dated 17 May 2022.
 - The development proposed is 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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension at 27 Dee Way, Havering, Romford RM1 4XA in accordance with the application Ref Y0110.22, made on 7 April 2022, and the details submitted with it (including plan nos DHA/230/LOCATION PLAN, DHA/230/BLOCK PLAN, DHA/230/02 and DHA/230/04), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) and subject to the conditions as set out in Schedule 2, Part 1, Class A of the GPDO.

Preliminary Matters

2. 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. 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 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. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

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

and the impact of the proposed development on the amenity of the occupiers of 29 Dee Way, having regard to light and outlook.

Reasons

4. No 27 is a two-storey, detached dwelling situated within a residential area. The dwelling has an existing single storey, flat roofed extension to the rear. The appellant sets out their family circumstances and state that the extension is to accommodate the needs of their family.
5. The Council highlight that their guidelines indicate that detached houses can normally be extended from the rear wall of the original dwelling by up to 4m and that they should generally be no more than 3m in height for a single storey extension with a flat roof. Furthermore, if a greater depth is required it should be within an angle of 45 degrees. The proposed extension would not meet these guidelines. Having said that, Schedule 2, Part 1, Class A, Paragraph A.1(g) of the GPDO permits larger extensions, which are also subject to a prior approval process.
6. No 29 is adjacent to No 27 and also has a single storey extension to the rear. The appellant highlights that a window of the extension, close to the common boundary, serves a toilet, and I have no evidence before me to consider otherwise. No 27 projects further to the rear due to the siting of the dwelling and depth of the existing extension. A fence is situated on the common boundary between the dwellings. The rear extensions of both dwellings are set in from the side boundary and the dwellings benefit from long gardens. No 31 adjoins No 29 and has a large rear extension.
7. The proposed single storey extension would significantly project beyond the original rear elevation of the host dwelling and the original rear elevation of No 29. However, as both properties have been extended to the rear, the extension would not significantly project beyond the existing rear elevations of these dwellings. Thus, when considering the existing extension and the parameters of the GPDO, the depth would not be excessive. The extension would also be stepped in from the boundary and No 29's extension is also stepped in from the boundary. Furthermore, the extension would not be significantly higher than the boundary fence.
8. Taking into account the depth of the extension in relation to the existing extensions, gap between the extension and No 29 as well as the height of the boundary treatment and the location of the windows, the proposal would not be a dominant addition which would have an overbearing effect and sense of enclosure on the outlook from the rear elevation windows of No 29. I am satisfied that the occupiers of No 29 would not feel hemmed in and the proposal would not create a harmful wall of development.
9. Having regard to the position of the sun, boundary fence, distance to No 29's windows and their location, as well as the siting and height of the extension in relation to the existing extensions, I am satisfied that the proposal would not reduce the levels of light to an extent that would unduly reduce light reaching the windows of No 29. Consequently, the scheme would not result in unreasonable overshadowing.
10. For these reasons, based on the evidence submitted and the specific circumstances of the appeal site and neighbouring property, the proposed

development would have an acceptable impact on the amenity of the occupiers of 29 Dee Way, having regard to light and outlook.

11. The reason for refusal did not relate to any of the other limitations or conditions of Class A. Based on the information presented I am satisfied that the development complies with the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A of the GPDO. Consequently, the proposed development complies with the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO and so would constitute permitted development.

Other Matters

12. The occupier of 25 Dee Way objected to the proposal, and I have considered their comments. The Council found that the extension would not unacceptably impact the amenity of the occupiers of No 25, and I see no reason to disagree. The proposal would not have an unacceptable impact on the shared drive, garage, levels of light and would not cause nuisances. This is due to the siting of No 25 in relation to No 27, existing arrangement of the shared drive and the construction period would be short-term.
13. The appellant has drawn my attention to a proposal allowed at appeal¹ and other dwellings extended to the rear within the locality. However, I do not have full details of these schemes and so cannot be certain that the circumstances are the same. In any case I have considered the appeal proposal on its own merits.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Conditions

15. Paragraph A.4 (12) sets out that the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises. The Council has suggested a condition relating to permitted development rights and windows. No clear justification has been provided to justify restricting national permitted development rights. Based on the information presented, I do not consider such a condition is necessary or reasonably related to the impact of the proposed development on the amenity of any adjoining premises.
16. Schedule 2, Part 1, Class A of the GPDO sets out conditions that development permitted by Class A are subject to. No further conditions are necessary in this case.

L Wilson

INSPECTOR

¹ APP/B5480/D/16/3143999