
Appeal Decision

Site visit made on 27 June 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2023

Appeal Ref: APP/W5780/D/22/3310182

7 Roy Gardens, Newbury Park, Redbridge, Ilford IG2 7QG

- 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 S Kabir against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2418/22, dated 16 July 2022, was refused by notice dated 17 August 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The description of development has changed from the application form to the decision notice. Whilst noting the dimensions of the scheme, that on the application form adequately describes the proposal.

Main Issue

4. The main issue is the impact of the proposed development on the amenity of adjoining premises at No.9 Roy Gardens (No.9) and No.5 Roy Gardens (No.5).

Reasons

5. The residential appeal property is two-storey within a mid-terrace setting on the southern side of Roy Gardens within a broadly suburban area.
6. Other than a modest inset from the shared boundary with No.9 at a projection of 5m, the extension would be full width with the majority of its depth placed on the boundaries shared with No.9 and No.5.
7. No.9 has a large opening in its rear elevation adjacent to the boundary with the appeal property which includes French doors and windows. The size and

proportion of that opening appears similar to the opening at the appeal property suggesting that these openings could be original and even if that were not the case, long standing features of these properties.

8. That opening at No.9 is only a short distance away from the boundary, which is currently formed of a timber fence of limited height. The extension would almost match the height of the existing rear single storey lean to element at the appeal site and despite its flat roof design would likely sit slightly above the opening at No.9.
9. The extension would form a substantial feature within the existing rear garden setting despite the well sized rear gardens. Given the combination of the proximity, the extensive length that the extension would be directly adjacent to the shared boundary and the height of the extension, it would cause a significant adverse impact on the living conditions of the occupiers of No.9 in terms of loss of outlook and sense of enclosure from the dining room window within the main rear elevation.
10. Given the flat roof design, there is however nothing to convince me that the proposal would result in any significant adverse impact with regard to overshadowing at most times of the year. Nonetheless, due to the matters identified above, the proposal would subsequently cause significant harm to the amenity of the occupiers of No.9.
11. The same would not be the case for No.5. This property appears to have previously been extended to a significant width, with the main element of that extension set away slightly from the boundary with the openings back from the original rear elevation. As a result of the arrangement that would ensue, there would be no significant harm to the amenity of the occupiers of No.5.

Other Matters

12. My attention is drawn to other similar types of applications within the local area. However, I have considered this proposal on a site specific basis and there is nothing before me to indicate that the circumstances under which other schemes may have been found acceptable are closely replicated here. I therefore afford these matters limited weight.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR