



Appeal Decision

Site visit made on 5 July 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/J1535/D/22/3312010

99 Manor Road, Chigwell IG7 5PN

- 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 Alex Aviram against the decision of Epping Forest District Council.
- The application Ref EPF/2324/22, dated 7 October 2022, was refused by notice dated 9 November 2022.
- The development proposed is a 6-metre single storey rear extension.

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 6-metre single storey rear extension at 99 Manor Road, Chigwell IG7 5PN in accordance with the application EPF/2324/22 made on 7 October 2022 and the details submitted with it including plan nos. 210 Rev A, 211 Rev A, 212 Rev A, 213 Rev A, 214 Rev A, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

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 Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. 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.
4. Paragraph A.4(7) to Part 1 states 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.

5. The principle of the development is established by the Order, and the provisions therein do not require regard be had to the development plan.

Background and Main Issue

6. An objection to the proposed development was received from the owner or occupier of an adjoining premises. As a result, the prior approval of the local planning authority was required. Prior approval was refused due to the effect of the proposed development on the amenities of the adjoining property, no. 97 Manor Road, with particular regard to outlook.
7. The main issue is therefore whether or not prior approval should be granted having regard to the effect of the proposed development on the amenity of the adjoining premises, with particular regard to outlook.

Reasons

8. The appeal property is a two-storey semi-detached dwelling. It is situated in a predominantly residential area where many of the properties have been extended or altered, including through rear extensions such as at the adjoining property where there is a single storey rear extension of around 9 metres in length.
9. The proposed extension would project 6m from the rear of the property. It would have a flat roof and a maximum height of 3m. It would run along the boundary with no. 97 Manor Road which is a detached property that is set further forward in its plot, and thus set further back from the rear, than the appeal property. There is an existing high-level fence between the properties of around 1.8m in height and there is substantial landscaping along the boundary which is within the rear garden of no. 97 Manor Road.
10. When viewed from no. 97 Manor Road, part of the proposed extension would be visible above the existing fence, however much of it would be screened including by the existing landscaping. The proposed flat roof would mean that, when considered against the fence, only around 1.2m of the extension would be visible above the existing boundary treatments when viewed from no. 97 Manor Road. Although the adjacent property is set back from the rear of the appeal property, it is detached and set in from the common boundary. As a result, the windows closest to the proposed development have a reasonable separation from the boundary and the position of the proposed extension.
11. I find that given the relatively small amount of the extension that would be visible, the position of windows in the adjacent property, and the presence of landscape screening, there would not be an overly dominant effect or the creation of an unreasonable sense of enclosure or an unreasonable loss of outlook for the occupiers of no. 97 Manor Road.
12. The Council have not referred to any harmful impact that would be caused to the amenity of any other surrounding residential properties. Due to the size, scale and siting of the proposed extension, I have no reason to form a different view.
13. I conclude that the proposed development would not have an unacceptable impact on the amenity of any adjoining premises. The development therefore meets the necessary requirements of the Order.

Other Matters

14. Representation has referred to overdevelopment of the appeal property when the proposed extension is considered along with other extensions at the property. Such a matter is not one of the relevant considerations in an application for prior approval. Even so, the appeal property has a long rear garden that would be retained following the development, and it would not result in overdevelopment of the property.
15. Representation has also referred to loss of light. The Council, in their assessment, considered that there would be no material loss of light, given the orientation of the host house facing northwest, its limited height and depth. I concur with the Council's assessment. Any loss of light would be minimal, confined to the rear garden of the neighbour, and given the orientation of the properties, for only a limited part of the day.
16. Representation has also considered that the resulting house would be out of scale and shape with neighbouring properties. This is not, however, a matter for consideration in such an application for prior approval.
17. The Council have referred to potential damage being caused to the landscaping and that this should not be relied upon as suitable mitigation. I have acknowledged its presence in terms of screening. However, my assessment that the proposed development would not cause unreasonable harm in terms of amenity is not solely in relation to, nor is it relied upon by, its presence. Given the absence of any statutory protection, any impacts on the landscaping would be a civil matter.

Conditions

18. Prior approval is granted subject to the standard conditions as imposed by paragraphs A.3 and A.4 of the Order. These require, amongst other things, that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, and that the development is carried out in accordance with the approved details.

Conclusion

19. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR