



Appeal Decision

Site visit made on 15 February 2023

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2023

Appeal Ref: APP/W5780/D/22/3302426

39 Ambleside Gardens, Ilford, Essex, IG4 5HH

- 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 Surjit Degan against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 1660/22, dated 21 May 2022, was refused by notice dated 28 June 2022.
 - The development proposed is described as: Single storey rear extension with a depth of 6.0 metres, highest point of 3.800 metres, and height at the eaves of 2.941 metres.
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Decision

1. The appeal 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 a single storey rear extension with a depth of 6.0 metres, highest point of 3.800 metres, and height at the eaves of 2.941 metres at 39 Ambleside Gardens, Ilford, IG4 5HH in accordance with the terms of the application, Ref: 1660/22, dated 21 May 2022, and the details submitted with it.

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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to a number of 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 with the conditions, limitations or restrictions that are applicable to such permitted development. In this case the Council has refused the application for that reason.
4. If an objection is received to an application, 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. The Council planning officer's report in respect of this development confirms that no representations were received regarding the application.

Main Issue

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

Reasons

6. The appeal building is a two storey end terrace house. It is separated from the neighbouring house at 41 Ambleside Gardens by a narrow, gated, alleyway. It is apparent from the submitted drawings and from what I saw when I visited the site, that the property has previously been extended to the rear by way of a part single storey part two storey addition. This existing addition projects approximately 3 metres beyond the original rear wall of the house and extends effectively across the entire width of the building. The appeal proposal would add a further full width, single storey, ground floor, extension to this resulting in an overall projection of 6 metres beyond the original rear wall of the house. The appeal building is neither listed, nor situated in a conservation area or other area defined as Article 2(3) land in Schedule 1 of the GPDO.
7. The Council's reason for refusal states that the proposed extension would be a wraparound extension with a width greater than half the width of the original dwelling house and that the Council consequently consider that it would not be permitted development.
8. Schedule 2, Part 1, Class A at Paragraph A.1. sets out the limitations and circumstances where development is not permitted. At paragraph A.1.(g) it states that development is not permitted where the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or exceed 4 metres in height. From the submitted information, the proposal would comply with this limitation.
9. Neither the Officer's report, nor the reason for refusal provided on the decision notice refer to a specific limitation listed in Part 1, Class A. However, the only reference in Paragraph A.1. to a width greater than half the width of the dwelling house is at A.1.(j) which sets out that development is not permitted where 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, have more than a single storey, or would have a width greater than half the width of the original dwellinghouse.
10. The appeal building occupies the whole width of the plot on which it is located, being joined to number 37 Ambleside Terrace to one side and having its external gable wall immediately adjacent to the alleyway between the appeal building and number 41. There is no evidence which would indicate that the appeal building has been extended to the side or that the wall adjoining the alleyway is not the original gable wall. It is clear, both from the drawings submitted with the application and from my observations at the site visit, that the proposed extension would not extend beyond a wall forming the side elevation of the original dwellinghouse. Therefore, it would not be subject to the limitations set out at Paragraph A.1.(j).

11. It is not contended that the proposal offends any of the other limitations set out in Paragraph A.1. and from the submitted evidence, and from my observations at the site visit, I have no reason to find differently.
12. Paragraph A.4.(7) sets out 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. As set out above, no objections from the owners or occupiers of adjoining premises have been received and, consequently, prior approval would not be required.
13. I therefore find that the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Conditions

14. Paragraph A.3. of Part 1, Class A sets out the conditions subject to which development is permitted by Class A. Of these, only one is relevant namely, 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.
15. Paragraph A.4. (11) further sets out that where prior approval is not required the development must be carried out in accordance with the information provided with the application unless the local planning authority and the developer agree otherwise in writing.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed, and that prior approval is not required.

John Dowsett

INSPECTOR