



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: 16 August 2023

Appeal Ref: APP/W5780/D/22/3307526

12 Braintree Avenue, Ilford IG4 5PX

- 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 H Bhojwani against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 2569/22, dated 1 August 2022, was refused by notice dated 25 August 2022.
 - The development proposed is described as: Single storey rear extension with a depth of 6.00 metres, highest point of 3.40 metres, and height at the eaves of 2.60 metres.
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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 with a depth of 6.00 metres, highest point of 3.40 metres, and height at the eaves of 2.60 metres at 12 Braintree Avenue, Ilford IG4 5PX in accordance with the application Ref: 2569/22 made on 1 August 2022, and the details submitted with it, including drawing numbers: JND/1227/14 – Location Plan; JND/1227/10 – Existing Plans; JND/1227/11 – Existing Elevations; JND/1227/12 – Proposed Plans; JND/1227/13 – Proposed Elevations; and JND/1227/15 Existing and Proposed Sections.

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 any objections are received to a proposal, 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. 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. I have considered the appeal on the same basis.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties at numbers 10 and 14 Braintree Avenue, with particular regard to outlook.

Reasons

5. The appeal building is a two storey, terraced house which forms part of a short terrace of similar houses. To the rear of the property is a long garden with a small outbuilding located at the far end. The appeal building has previously been extended to the rear with a single storey, flat roofed, addition across the full width of the rear elevation. This projects approximately 3 metres from the main rear wall and is approximately 3 metres high. The appeal proposal would add a further 3 metres to this, resulting in an overall projection of 6 metres. The proposed extension would be the same height as the existing rear addition apart from the addition of a glazed lantern in the approximate centre of the resulting flat roof which would project approximately 0.4 metres above the roof level. 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.
6. 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. It is not in dispute that the proposal also falls within the other limitations set out in Paragraph A.1. of Class A.
7. A letter of objection was received to the application from the neighbouring property at 10 Braintree Avenue. This raised concerns in respect of potential loss of light and that the proposal would result in the appeal building appearing larger in scale than the neighbouring property. In these circumstances the GPDO requires an assessment to be made of the effect of the proposed development on the amenity of all adjoining premises.
8. The houses to each side of the appeal building have not been previously extended at ground floor level, although each has a small, pitched roof, rear projection which both parties agree is an original part of the house and projects approximately 1.2 metres from the main rear wall. The proposed extension at the appeal building would project approximately 4.8 metres beyond these existing features.
9. The rear of the terrace of which these buildings form a part faces south east and the properties have long rear gardens. The houses on Bergholt Avenue, to the south east, have similarly long rear gardens. As a result, the interior of the development block is very open, notwithstanding the presence of outbuildings in many of the garden areas.
10. I observed at the site visit that the existing extension at the appeal building would be visible from windows in the ground floor rear elevation of the neighbouring houses. Although the increased size of the rear extension to the appeal building would be perceptible from these rear windows, this would be in

oblique views. From what I saw when I visited the site, due to the large size of the gardens and the general openness of the interior of the development block, the outlook from the rear of the adjoining houses would not be so constrained that it would make these houses a less pleasant place to live.

11. No technical evidence in respect of sunlight or daylight has been submitted by any of the parties. Because of the orientation and relative positions of the buildings, the current extension at the appeal building will affect direct sunlight to both of the neighbouring properties at certain times of the day. This would be more noticeable during the winter months when the sun is lower in the sky. As a result of its greater projection, the appeal proposal would increase this effect. Nevertheless, this would still be limited to certain times of the day and there is no evidence that the effect would be noticeably greater than the degree of overshadowing that presently occurs. Within the above context, the appeal proposal would not be harmful to the living conditions of the occupiers of the properties at numbers 10 and 14 Braintree Avenue to the extent that prior approval should be withheld.
12. The Council officer's report also identifies that the house at 17 Bergholt Avenue, to the rear of the appeal building as a neighbouring property. The appeal building is separated from this house by the length of the rear gardens of both properties and ground levels views are partially screened by the building at the end of the appeal building's garden. Due to the distance between these houses and the intervening building, the proposed extension would not have an effect on the privacy, outlook, or daylight and sunlight experienced by the occupiers of this house.
13. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of the neighbouring properties at numbers 10 and 14 Braintree Avenue, with particular regard to outlook.

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 required the development must be carried out in accordance with the details approved by the local planning authority.

Conclusion

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

John Dowsett

INSPECTOR