



Appeal Decision

Site visit made on 22 November 2023 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/W5780/D/23/3328447

40 Glenwood Gardens, Gants Hill, Redbridge, Ilford IG2 6XT

- 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 Ata Miah against the decision of the Council of the London Borough of Redbridge.
 - The application ref. 1573/23, dated 31 May 2023, was refused by notice dated 28 June 2023.
 - The development proposed is described as a single storey rear extension with a depth of 6.00 metres, highest point of 3.31 metres and height at the eaves of 3.00 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 development described as a single storey rear extension with a depth of 6.00 metres, highest point of 3.31 metres and height at the eaves of 3.00 metres at 40 Glenwood Gardens, Gants Hill, Redbridge, Ilford IG2 6XT in accordance with the application ref. 1573/23, made on 31 May 2023, and the details submitted with it (including plans ref. 19/288/001; 19/288/002; 19/288/003; 19/288/004; and 19/288/005), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters and Main Issue

3. The above mentioned legislative provisions grant a planning permission 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 with the conditions, limitations or restrictions that are applicable. One such limitation concerns that, where any owner or occupier of any adjoining premises objects to the proposed development, prior approval is required as to its impact on the amenity of any adjoining premises. This forms the main issue of the appeal, which specifically is the effect of the

proposal on the living conditions of the occupiers of No 38 Glenwood Gardens, with particular regard to outlook and levels of daylight and sunlight.

Reasons for the Recommendation

4. The appeal dwelling adjoins No 38, a two-storey property of a similar scale. There is a large, glazed door and smaller windows within the rear elevation of No 38, opening out onto an elongated garden providing an open aspect. A fence and vegetation of a moderate height form the boundary with the rear garden of the appeal site. When combined with the rear extension of No 36, the outlook from the ground floor rear windows of the dwelling and garden area closest to them is channelled to the rear of the garden with the majority of daylight and sunlight obtained from this direction.
5. The proposal would be single storey and project modestly above the existing boundary treatment with No 38, limiting the additional built form along the shared boundary. The use of a flat roof would further minimise the effect of the scheme's presence when viewed from the rear elevation windows of No 38 and adjoining rear garden, preventing any overbearing impact or unacceptable sense of enclosure. Furthermore, the otherwise open aspect to the rear of the garden would be unaffected by the proposal, maintaining current levels of daylight and sunlight received by the rear ground floor windows and adjoining garden area of No 38.
6. The Council has found no harm to the living conditions of the occupiers of No 42. There is no compelling reason for me to reach a different conclusion. With this and the above in mind, the proposed development would be acceptable in terms of its effect on the living conditions of the occupiers of No 38, with particular regard to outlook and levels of daylight and sunlight.

Conditions

7. Any planning permission granted under the aforementioned provisions is subject to the conditions in A.3 and A.4. This includes materials to be similar to the exterior of the existing dwelling and development to be carried out in accordance with the details and plans submitted. These have been, for clarity, set out above. No further conditions are necessary.

Conclusion and Recommendation

8. The appeal scheme would, on the basis of the above, comply with the relevant provisions of the legislation under which it should be considered. For that reason, I recommend the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal.

John Morrison

INSPECTOR