



Appeal Decision

Site visit made on 6 August 2024 by T Morris BA (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/W5780/D/24/3345464

32 Gordon Road, London, London E11 2RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant the 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 Gavinder Pawar against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0258/24.
 - The development proposed is a single storey rear extension with a depth of 6.0 metres, highest point of 3.2 metres and height at the eaves of 3.0 metres.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters and Main Issue

3. The above mentioned legislative provisions grant a planning permission for the enlargement of a dwelling 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 an application may be refused where the proposed development does not comply with the conditions, limitations or restrictions that are applicable. One such 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.
4. The Council's decision on the proposed development referred to both compliance with the permitted development legislation and prior approval matters. In terms of the former, it was alleged that the appeal scheme would not comply with the description of permitted development as it is set out by the above mentioned part and class due to it having a width greater than half the width of the original dwelling. The appellant suggests the Council confirmed this was included in error and refers to an email that I have not seen.
5. That said, I have no compelling reason to doubt the appellant, specifically since the relevant provision concerning the width of the extension includes it

extending beyond a wall forming a side elevation of the original dwelling. It is sufficiently clear from the submitted plans and my observations on site that the appeal scheme relates solely to an extension beyond the rear elevation only. I am therefore satisfied I can proceed on the basis of the main issue being, in regard to prior approval matters and the Council's assessment thereon specifically, the effect of the proposal on the living conditions of the occupiers of number 34 Gordon Road (No 34), with specific regard to outlook and light.

Reasons for the Recommendation

6. The appeal building is mid terraced. Its own and the surrounding gardens are narrow and not overly long given they sit back to back with similar dwellings facing Chestnut Drive. The property has a single-storey storage building to the rear on the boundary with No 30. The boundary to No 34 is a timber panel fence. Some of the houses in the vicinity appear to have single-storey rear extensions of similar scale to the proposed extension, including No 36. No 34 has a similar outbuilding projection to the appeal building.
7. At six metres long and over three metres in height, the extension would project more than marginally above the fence line and deep into the rear garden. When taken with the length and height of its own outbuilding and the extension to No 36, the immediate rear garden space to No 34 would be hemmed in, giving rise to an oppressive outlook both from this space and the ground floor rear facing windows and patio doors. The experience of the garden space and the rooms served by the openings would be of an unacceptably poor quality.
8. There is a large tree in the rear garden of no 30 which likely restricts light to the rear elevations of houses on this part of Gordon Road, but it is some distance away from the rear elevation of No 34. The single storey nature of the proposal and the surrounding rear projecting elements would also compromise natural light but not significantly different to the current situation such that it would justify resistance of the scheme on this ground alone. This would not however make the scheme acceptable given my earlier findings.

Other Matters

9. I am aware of other extensions locally as well as the examples cited allowed on appeal. In the case of Glenwood Gardens, this followed a similar assessment as in the case of this appeal and the extension in question bears parallels. That said, the context reads differently to the situation and surroundings of the scheme before me. In regard to Gordon Road, this scheme sought express planning permission and not prior approval. The effect of the proposal on neighbours' living conditions was not a contentious matter. Each development proposal is assessed on its own merits and with regard to its own context which will often differ materially in each case. For this and the above reasons, I am not led to recommending the appeal scheme be allowed.
10. As this appeal concerns the prior approval process, national or local plan policies are not determinative. Matters of design and appearance are also uncontentious. I am unable to comment on what might be possible to other buildings in the vicinity or the potential benefits/harm thereof as this is, in the absence of a proposal for express planning permission or prior approval, is conjecture. The effect of development on property value, positive or negative, is not a matter for this decision to take into account.

Conclusion and Recommendation

11. For the reasons given above, the appeal scheme would require prior approval, which is recommended to be, given my findings, refused. The appeal should therefore be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR