



Appeal Decision

Site visit made on 4 November 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/W5780/D/24/3346467

82 Primrose Avenue, Chadwell Heath, Romford RM6 4QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required 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 appeal is made by Mrs Azirun Nessa against the decision of the London Borough of Redbridge Council.
 - The application Ref is 0779/24.
 - The development proposed is described as 'new 6m deep single storey rear extension with matching material finish. Flat roof with maximum height of 3m.'
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Decision

1. The appeal is dismissed.

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 the satisfaction of expressed limitations, restrictions and conditions.
3. Condition A.4(7) to Part 1 requires the Council to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received. The parties do not dispute that the proposed extension would comply with size dimensions set out in the GPDO. For these reasons my assessment is limited to the effect of the proposal on the living conditions of neighbouring occupiers.
4. The appellant has indicated that they would be willing to reduce the depth of the rear extension to 4m. No plans or additional information has been provided. Nevertheless, the appeal process should not be used to evolve a scheme and it is important that I consider the proposal that was before the Council at the time of its decision. Interested parties would not have had the opportunity to comment and would therefore be prejudiced if the scheme was amended at this stage.
5. The Council suggests that No 84 Primrose Avenue has previously been extended to the rear¹. At the time of my visit, I was able to view the rear of this neighbouring property from the appeal site. The rear elevation was unaltered with no half-width extension present. Therefore, I have determined

¹ As set out on page 3 of the Council's officer report.

the appeal based on the information and plans as originally submitted to the Council and my observations during my visit.

Main Issue

6. The main issue in relation to this appeal is the effect of the proposal on the living conditions of the occupiers of 84 Primrose Avenue with regard to outlook and light.

Reasons

7. The appeal site comprises a mid-terrace property which has a boundary fence separating it from the attached dwelling of No 84. Neither of these 2 properties has been extended to the rear. The appellant has indicated that the neighbouring occupier has verbally agreed to the proposal. Be that as it may, I am required to make an assessment based on the context of the appeal site at the time of my decision, taking into account the impact of the proposal for the longevity of the development.
8. The proposal seeks to add a single storey rear extension that would project 6m from the original rear elevation of the host dwelling. The rear elevation of No 84 contains a narrow window and adjoining glazed door in proximity to the dividing boundary fence between it and the appeal site. They provide the only source of outlook and light for the kitchen. The fence exists to approximately 1.8m in height for the width of one standard fence panel, before dropping down to a lower height for the remainder of the garden.
9. In contrast, the proposed extension would be approximately 3m in height to the top of the flat roof, although the skylight would extend further above this. In views from the kitchen window the proposed extension due, to its height and solidity combined with the length of projection along the boundary, would appear overbearing. The dominance of the extension would be exacerbated by the narrowness of the existing kitchen window. Consequently, the outlook from this room would be materially and harmfully reduced.
10. Due to the rear elevation of No 84 facing south and the single storey nature of the proposed extension, a significant loss of ambient daylight to the kitchen or neighbouring living/dining room window is unlikely. However, it is clear from the submitted plans that the proposal would place the kitchen window in shade during the latter part of the day, particularly in winter, when the sun would be lower in the sky. More precise details of the impact of the proposed extension on the sunlight afforded to this window, through for example, the provision of a sunlight assessment, would be required in order to have confidence that any overshadowing would not be significantly harmful.
11. For the reasons given above, the proposed development would result in harm to the living conditions of the occupiers of No 84 with regard to outlook and sunlight.

Other Matters

12. During my visit it appeared that No 78 had been extended to the rear with a long single storey addition similar in depth to that proposed. I am not aware of whether this was constructed as permitted development. Even if it was, the neighbouring property of No 80 already has its own older single storey L-shaped rear extension which contains obscure glazed windows. It therefore

has a different context and relationship with its neighbour than is the case here.

13. Whilst the appellant has referred to other rear extensions within Primrose Avenue, I am not aware of the circumstances of these developments including whether they were granted planning permission or prior approval². Nor have I been provided with details of their specific contexts and relationships with their neighbouring properties. I am therefore unable to consider them comparable to the development before me. Irrespective, the existence of these extensions does not justify the harm identified to the living conditions of the neighbouring occupiers.

Conclusion

14. The appeal scheme would require prior approval, which is recommended to be, given my findings, refused. The appeal is dismissed.

M Clowes

INSPECTOR

² Planning application reference numbers are quoted within the appellant's statement of case but no plans, decision notices or officer reports have been provided.