



Appeal Decision

Site visit made on 12 November 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 DECEMBER 2024

Appeal Ref: APP/B5480/D/24/3343062

52 Grenfell Avenue, Hornchurch RM12 4DN

- 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 Mr Kapil Ahmed against the decision of the Council of the London Borough of Havering.
- The application reference is Y0008.24.
- The development proposed is a single storey rear extension with an overall depth of 5m, a maximum height of 3.10m, and an eaves height of 3m.

Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (hereafter "the GPDO") for a single storey rear extension with an overall depth of 5m, a maximum height of 3.10m, and an eaves height of 3m at 52 Grenfell Avenue, Hornchurch RM12 4DN in accordance with the terms of the application, reference Y0008.24, and the plans submitted with it, subject to the following conditions:
 - 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank walls of the extension hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.
 - 2) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Background and Main Issue

2. The GPDO grants planning permission for the enlargement, improvement or other alteration of a dwelling house under Schedule 2, Part 1, Class A, subject to limitations and conditions set out in paragraphs, A.1 to A.4. The local planning authority is required to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner – although representations were made on a variety of matters relating to the appearance of the proposed extension, potential impacts in respect of flooding and potential damage to neighbouring

properties, the nature of applications for prior approval under the GPDO means that these issues do not fall within the scope of this appeal.

3. The main issue is therefore the impact of the proposed development on the amenity of the occupiers of the neighbouring property No 50 Grenfell Avenue, with particular regard to sunlight, daylight and outlook.

Reasons

4. No 52 is a two-storey, end terrace property on the west side of Grenfell Avenue in a predominantly residential area; No 50 is the attached neighbour immediately to the north. The proposed development is a single-storey rear extension; this would be 5m deep and span almost the full width of the rear elevation (though it would be set in at one side so that it would be built up to, rather than straddling, the shared boundary with No 50); it would be flat-roofed with an eaves height of 3m and a maximum overall height of around 3.1m.
5. The Council's 2011 *Residential Extensions and Alterations* Supplementary Planning Guidance ("the SPD") advises that that terraced houses can normally be extended from their original rear walls by up to 3m (the limit beyond which the GPDO requires prior approval), and that if a greater depth is required it should be within an angle of 45 degrees taken from the 3m dimension on the property boundary. These guidelines are intended to ensure that a reasonable level of amenity is afforded to neighbouring properties; because of its size and form, the proposed extension would not comply with this advice.
6. The rear elevation of the terrace including the appeal property faces just south of due west. No 50 has two rear ground-floor windows; the evidence before me indicates that the nearer of those to the appeal property serves a dining room. The proposed extension would lead to some increase in overshadowing of the nearest window of No 50 and, consequently there would inevitably be some reduction in daylight within its dining room. However, there is no substantive evidence before me to indicate that this would amount to causing significant harm to living conditions for the occupiers of No 50; in particular, on the basis of the west-facing orientation as well as my observations on site, it seems improbable that the proposed extension would on its own lead to the dining room of No 50 being cast into shade for 70 percent of daylight hours as was suggested in representations.
7. Both the appeal property and No 50 have narrow, but relatively long, rear gardens; ground levels fall away towards the open space of Grenfell Park and the River Rom. The combination of these factors gives both properties a very spacious and open aspect to the west. While the proposed extension would of course be visible to the occupiers of No 50, the combination of the length and openness of the rear gardens means that it would not create an unacceptable enclosing or "wall of development" effect when seen from No 50. Consequently, I consider that the proposed development would not be harmfully dominant or intrusive in respect of outlook.
8. Any extension at the rear of the appeal property would be likely to have some impact on living conditions for occupiers of No 50, simply by introducing built form where currently there is none, and I accept therefore that such a scheme may not be welcomed. However, I am also mindful that under the GPDO an extension could be built to a maximum 3m length and 4m height without

requiring prior approval. While the appellant did not specifically refer to a “fallback” position, in my view the proposed development would not result in significantly greater material harm to the living conditions of the occupiers of No 50 in respect of daylight, sunlight or outlook than a scheme which could be carried out without prior approval. In any event, for the reasons which I have just set out, I am satisfied that the proposed development would not cause significant harm to the amenity of the occupiers of the neighbouring property No 50 Grenfell Avenue.

9. There is no statutory requirement to determine the application in accordance with the development plan. However, while the proposal would not comply with guidance in the SPD as I have described above, in coming to my conclusion I have taken into account Policy 7 of the 2021 Havering Local Plan which seeks, among other things, to ensure that the amenity and quality of life of existing and future residents is not adversely impacted; I find no significant conflict with the aims of that policy.

Other Matters

10. As I have described in paragraph 2 above, I have not taken into account representations received which fell outside the scope of matters which can be considered when determining a proposal under Part 1, Class A of the GPDO. Nevertheless, my decision does not remove the burden which falls on the appellant to ensure that, not only does the development comply with all relevant limitations and restrictions set out in the GPDO, it is also carried out in full compliance with other legislation and regulatory regimes such as the Building Regulations.

Conditions

11. Any planning permission granted under Schedule 2, Part 1, Class A of the GPDO is subject to the condition that the development must be carried out in accordance with the approved details. Additional conditions relating to windows in side elevations (1) and preventing the use of the roof as a terrace (2) are necessary to protect the privacy, and thus the living conditions, of neighbours.

Conclusion

12. For the reasons above I find the proposal would not have an unacceptable impact on the amenity of any adjoining premises. Consequently, I conclude that the appeal should be allowed, and prior approval granted.

M Cryan

Inspector