



Appeal Decision

Site visit made on 30 January 2025

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2025

Appeal Ref: APP/M1595/D/24/3351399

3 Ireton Place, Grays RM17 5LT

- 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 G Singh against the decision of Thurrock Borough Council.
 - The application Ref is 24/00763/PHA.
 - The development proposed is a single storey rear extension.
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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 Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. 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 – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 states that where any owner or occupier of any adjoining premises objects to the proposed development, 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.
5. The principle of the development is established by the Order, and the provisions therein do not require regard be had to the development plan.

Background and Main Issue

6. An objection to the proposed development was received from the owner or occupier of an adjoining premises. As a result, the prior approval of the local planning authority was required. Prior approval was refused due to the effect of the

proposed development on the amenities of the adjoining property, no. 1 Ireton Place, with particular regard to daylight, sunlight and outlook.

7. The main issue is therefore whether or not prior approval should be granted having regard to the effect of the proposed development on the amenity of the adjoining premises.

Reasons

8. The appeal property is a two-storey semi-detached dwelling. It is located in a residential cul-de-sac. The property has a raised patio area to the rear with steps leading down to a grassed area.
9. The proposed extension would project 5.5 metres from the rear of the property. It would run along the boundary with no. 1 Ireton Place. The plans show that it would be 3.3 metres high. The proposed plans show how the proposed extension would be at the same finished floor level of the property. As the extension would extend further than the existing raised patio, it would appear however to exceed this height in part or at least require the raised patio to be extended.
10. On my site visit I also was able to view the appeal site from the rear garden of no. 1 Ireton Place which is the adjoining semi-detached property. Unlike the appeal property, there is no equivalent raised patio area to the rear of this property. The reality is that, given this difference, the development would appear greater in height from the adjoining property. This overall height, when combined with the level of projection of the extension from the rear of the appeal property, would have a dominant and overbearing impact on the adjoining property which would significantly harm the outlook from this property.
11. The appeal site lies almost directly to the south of no. 1 Ireton Place. Due to this orientation, the size and scale of the extension would likely cause a degree of overshadowing and reduce the amount of light to the property. I acknowledge, however, as highlighted by the appellant, that given the eastern orientation of the rear elevation of both properties, the impacts in terms of overshadowing and reduction in light would not be at all times. For this reason, I find this harm to be secondary and of less weight than the harm that would be caused in terms of outlook.
12. I therefore conclude that the proposed development would have an unacceptable impact on the amenity of adjoining premises.

Other Matters

13. The Council refused to grant prior approval as the proposal failed to detail whether matching materials would be used. Development is permitted under Class A on the condition that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
14. The appellant has confirmed in their evidence that materials of a similar appearance would be used. Given the requirement by the Order, combined with the appellant's confirmation, this is no longer an issue in the appeal.
15. The appellant has referred to the fallback of constructing an extension using permitted development rights which do not require prior approval. Be that as it

may, in my view any such extension would not be as substantial as the proposal now before me. I therefore give this limited weight in the appeal.

16. The appellant has referred to other consents which have been granted for rear extensions under the prior approval procedure. In terms of the example at 85 Southend Road, the evidence shows how the report outlined that the neighbouring property had a 2.7-metre-deep rear extension, and this was a determining factor in the decision. This arrangement is different to the appeal site and the neighbour, where the neighbouring property has no such rear extension.
17. In terms of the other examples given, I do not have full details of these examples in order to give them significant weight in the appeal, which I have in any event determined on its own individual planning merits, and I am not bound by the Council's previous decisions.

Conclusion

18. For the reasons set out above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR