



Appeal Decision

Site visit made on 10 June 2025 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2025

Appeal Ref: APP/W5780/D/25/3361088

64 Applegarth Drive, Newbury Park, Ilford, Redbridge IG2 7TH

- 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 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr B Kapica against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 3201/24.
 - The development proposed is described as 'proposed single storey 6m'.
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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 description above is taken from the application form and varies slightly from the decision notice. This has not changed anything fundamental nor prejudiced the ability of any party to make their case in respect of the appeal scheme. In addition, the submitted plans contradict on the position of the rear wall of Number 66 Applegarth Drive (No.66) and the size of the existing conservatory at the appeal site. Nevertheless, I have been able to make my recommendation based on my site visit and the remainder of the plans and evidence before me.
4. The reason for refusal refers to the proposed development being out of scale and character with surrounding dwellings. However, the effect of the scheme in this regard is not a matter to assess under prior approval for the above legislation. Paragraph A.4(7) thereof explains 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. Given the circumstances of the Council's refusal of prior approval, the main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of No.66 with particular regard to outlook.

Reasons for the Recommendation

5. The appeal site is a terraced dwelling that benefits from a rear conservatory. Dwellings have long narrow rear gardens in line with one another. The land levels

along Applegarth Drive reduce towards No.66 meaning that their garden is slightly lower than the appeal site.

6. The proposal would introduce a rear extension along the shared boundary with No. 66 that would extend further out and be taller than the existing conservatory. No.66 has ground floor windows close to the boundary of the appeal site. The looming effect of the height, proximity and run of the extension would appear overbearing to users of the relatively narrow rear garden of No.66 and the outlook experienced from the ground floor rear windows. This would be further exacerbated by the lower land levels. The scale of the proposed development would thus garner an unacceptable sense of enclosure for the occupiers of No.66. The proposal would therefore cause harm to the living conditions of the occupants of the adjoining premises contrary to the amenity considerations of this part of the GPDO.

Other Matters

7. I have not been provided with the specific history of the other examples given, but assessment under the GPDO for the purposes of this main issue and the specific context of the appeal site does not allow one to weigh in other examples of similar development elsewhere. Whilst the extension has been reduced in size from a previously refused scheme, it is implicit in my findings that the amendment is not sufficient to overcome the harm I have found.
8. Loss of light is not a contentious matter in the appeal. A lack of harm in this regard would in any event be a neutral matter which would be incapable of weighing in favour of the proposals, taking into account also the limitations of the scope of considerations under prior approval for the aforementioned section of the GPDO. A much shorter extension would be materially different in its effects to the one proposed as part of the appeal scheme. Putting aside the GPDO's scope, this would not lead to the appeal being allowed.

Conclusion and Recommendation

9. For the reasons given above, the proposal would not accord with the prior approval matters set out in the above section of the GPDO. The appeal should therefore be dismissed.
10. The Council has referred to Policies LP26 and LP30 of the Local Plan as well as their Housing Guide Supplementary Planning Document. Whilst the issues they address relate to those considered above and the appeal scheme would, consequently, conflict with their aims, as a submission under the prior approval regime, the development plan is not determinative.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR