
Appeal Decision

Site visit made on 10 January 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th January 2017

Appeal Ref: APP/X5210/D/16/3160499
25 Holmdale Road, London NW6 1BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Dan Roman against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/3905/P, dated 16 June 2016, was refused by notice dated 19 August 2016.
 - The development proposed is a single-storey rear extension and single-storey side infill extension to dwelling.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for a single-storey rear extension and single-storey side infill extension to dwelling at 25 Holmdale Road, London NW6 1BJ in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

Procedural Matters

2. I have changed the description of the development in the banner heading and paragraph 1 above in the interests of brevity.
3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 require the local planning authority 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.

Reasons

4. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) allows for the enlargement, improvement or other alteration of a dwellinghouse. Until the 30 May 2019, paragraph (g) of that Class makes provision, subject to conditions, for single storey rear extensions up to 6m in length and 4m in height in the case of a terraced house.
 5. The appeal property is a traditional terraced house situated on the eastern side of Holmdale Road which has no previous extensions to the rear. The proposed
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- development is for a single storey extension of approximately 5.9m in depth from the rear of the existing outrigger with a height of approximately 3m. An infill extension between the existing outrigger and the garden wall adjacent to number 23 Holmdale Road is also proposed. There is no dispute between the parties that the proposal falls within the scope of the GPDO.
6. Having notified the neighbours of the proposed development, an objection was received by the Council from the occupants of 27 Holmdale Road (No 27), resulting in the need for the Council's prior approval in respect of the amenity of neighbouring premises; this was refused.
 7. Attention is drawn to an application for the construction of a single storey side and rear extension granted planning permission on 6 June 2016 (the approved scheme). The side extension which infills the gap between the appeal property and 23 Holmdale Road remains the same as the one granted previously. The Council does not raise concerns regarding the side extension and from everything which I have seen in submissions and on my site visit, I have no reason to disagree.
 8. The approved scheme allows for a rear extension measuring approximately 4.7m in depth from the original rear wall with a height of approximately 3m. The Council considered that there would be minimal harm to the amenity of adjoining residential occupiers in terms of the loss of sunlight, outlook, privacy or an increased sense of enclosure arising from the approved scheme. The appellant advances the approved scheme as a fall-back position. There is no reason to doubt that the permission would be implemented and the fall-back position thus attracts significant weight.
 9. Occupiers of the ground floor flat of No 27 currently have an outlook from the windows on the rear elevation along their long rear garden. There is currently some outlook over the garden of the appeal property, although this is restricted to a degree by the small rear projection and the approximately 1.8m high fence which shares the common boundary.
 10. The approved scheme would enclose the shared boundary and would be approximately 1.2 m higher than the existing fence extending 4.7m along the boundary. I consider that this would reduce the outlook over the garden of the appeal property; however, views of their long rear garden would be retained. There would also be a reduction in light to the main window on the rear elevation of no 27; however, taking into account the presence of the existing fence, the single storey nature of the extension and the orientation of the windows of No 27 which face in a north-easterly direction, I consider that the effect would be minimal.
 11. The Council consider that the appeal proposal would have a harmful effect on the living conditions of the occupier of the ground floor flat of No 27 in terms of light and outlook. The appeal proposal would extend approximately 1.2m further beyond the rear elevation than the approved scheme and would be a similar height on the boundary with No 27 as the approved scheme.
 12. Furthermore, I note that No 27 is set on higher ground than the appeal proposal and, therefore, the proposal would only have a height of approximately 2.5-2.6m above the ground floor level of No 27. Both proposals would enclose the decking area in the garden of No 27.

13. On the basis of the plans and observations on my site visit I consider that the element of the appeal proposal which would have the most, albeit limited, effect on the ground floor rear windows and decking area of No 27 in terms of outlook and light would be the section nearest the rear elevation.
14. Although the appeal proposal would extend 1.2m further along the common boundary than the approved scheme, due to the orientation of the windows on the rear elevation of No 27, the additional 1.2m in depth would not have a materially greater effect on the light received to those windows. Furthermore, the additional 1.2m in depth would have a minimal effect on the outlook from the ground floor rear windows of No 27 compared to the approved scheme. Moreover, a significant proportion of the long rear garden of No 27 would remain unenclosed.
15. Consequently, I conclude that the appeal proposal would not have a materially greater harmful effect on the living conditions of the occupiers of the ground floor flat of No 27 than the approved scheme.
16. Concerns are raised by the occupier of No 27 with regards to the existing shared fence and proposed treatment of the common boundary. This would be a matter for the parties to resolve through the Party Wall etc Act 1996. Concerns are also raised regarding matters of drainage and damp. However, these are not matters that fall to be considered under the provision of the GPDO.

Conclusion

17. For the reasons stated, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before the 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development and the date of completion.

Caroline Mulloy

Inspector