

Appeal Decision

Site visit made on 5 January 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 27th January 2017

Appeal Ref: APP/W5780/D/16/3155949

18 Langley Drive, Wanstead, London E11 2LL

- 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, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Dr Mohammad Z A Khan against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1770/16, dated 19 April 2016, was refused by notice dated 31 May 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application which is the subject of this appeal was made under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GDDO) which at Schedule 2, Part 1, Class A, Paragraph A.4 requires that for extensions of certain dimensions the prior approval of the local planning authority is required before development commences. The Council duly determined the application on this basis, and have confirmed their view that the proposal does not qualify for consideration as a prior approval application because it does not meet the permitted development criteria set out in The GDDO at Schedule 2, Part 1, Class A Paragraph A.1(J)(iii).

Main Issue

3. The main issue is whether the proposed extension would meet the criteria for permitted development set out in Schedule 2, Part 1, Class A of The GPDO 2015.

Reasons

4. The appeal relates to a mature two storey end terrace property which was originally constructed with a two storey rear outrigger. A single storey rear flat roofed extension has already been constructed at some time in the past. This is attached to both the rear elevation and the inner side elevation of the existing outrigger, extending from the recessed part of the rear elevation by some 5m.
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5. The limitations to permitted development allowances set out in The GPDO 2015 under Schedule 2, Part 1, Class A.1(J)¹ indicate that if the enlargement of the building extends beyond the side elevation of the original dwellinghouse², and has a width of greater than half the width of the original dwellinghouse it is not permitted development. This includes situations where development is carried out in separate stages, in which case the whole of the enlargement is to be taken into account.
6. The proposed addition would extend by around 2.5m beyond the rear elevation of the house, have a width of just over 2.5m and have an eaves height of 2.5m. However, it would adjoin the existing extension and the end of the two storey outrigger and, together with the existing extension, would span the full width of the rear of the building. Since the existing extension extends from the inner side wall of the outrigger, and in combination with the proposed new extension would have a width of greater than half the width of the original dwellinghouse, the resulting addition would fall outside the limitations established by Class A.1(J) and is not permitted development.
7. As the present proposal does not fall within the size criteria for permitted development the prior approval process was not appropriate for this application. Therefore, whilst I accept that the Council did not receive any objections to this proposal when following the prior approval notification procedure, such considerations are not relevant to the determination of this case. An application for planning permission would be required to progress this proposal.
8. I conclude that the proposal does not meet the criteria for permitted development set out in Schedule 2, Part 1, Class A of The GPDO 2015 which defines the permitted development rights for the enlargement of a house.

Conclusion

9. For the reasons set out above, the appeal is dismissed.

AJ Mageean

INSPECTOR

¹ Detailed guidance is set out in Permitted Development Rights for Householders Technical Guidance April 2016 (the Technical Guidance).

² The Technical Guidance indicates that a side elevation will be any wall that cannot be identified as being a front wall or rear wall.