
Appeal Decision

Site visit made on 1 June 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 22 June 2017

Appeal Ref: APP/G5750/D/16/3158270

289 Shrewsbury Road, Forest Gate, London E7 8QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr M Patel against the decision of the Council of the London Borough of Newham.
 - The application Ref 16/02176/PREHH, dated 7 July 2016, was refused by notice dated 17 August 2016.
 - The development is proposed is ground floor 6m rear extension from existing walls.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for ground floor 6m rear extension from existing walls at 289 Shrewsbury Road, Forest Gate E7 8QU in accordance with the terms of the application Ref 16/02176/PREHH, dated 7 July 2016.

Procedural Matters

2. Paragraph A.1(g) of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (hereafter referred to as the GPDO) permits, for a temporary period until 30th May 2019, single storey rear extensions of greater depth than would otherwise be allowed as permitted development under paragraph A.1(f).
3. Paragraph A.4(3) of the GPDO states that the Council may refuse an application where, in its opinion, the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). The application was refused on this basis.

Main Issue

4. The main issue is whether the proposal would be permitted development under Schedule 2, Part 1, Class A of the GPDO.
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Reasons

5. The appeal property is two storey terraced property located in a predominantly residential area. The proposal would add a single storey extension to the rear elevation which would reach a depth of six metres, and a smaller single storey extension to the side elevation.
6. The Council's concern relates to the extent of the original dwellinghouse, and whether sufficient information has been supplied by the appellant in this regard. Under Article 2(1) of the 2015 GPDO, "original" means, in relation to a building existing on 1 July 1948, as existing on that date. Specifically, they question whether the previous small WC extension at the rear of the dwelling formed part of the original property. The WC structure was removed following the grant of planning permission¹ in 2013 for a rear extension, which has since been implemented.
7. The appeal therefore turns on the location of the rear wall of No 289 on the relevant date in 1948, and therefore whether the WC element formed part of the original dwellinghouse. If it did not, then the proposal would extend the dwelling beyond the 6m limit, and would thus not be permitted development.
8. The appellant states that the information submitted with the 2013 application shows the existing situation. Whilst that may be the case, it does not comprise evidence as to the dimensions of the building in 1948. The Council dispute whether the WC element formed part of the original building, stating that such a structure has not been observed on the rear elevations of other properties within the terrace.
9. However, on drawing No 289 PE 01, an inset location map has been provided. This shows the terraced dwellings arranged with the paired rear two storey offshots which are characteristic of this form of development. At the back of these offshots, significantly smaller additional structures are depicted which again are paired in some cases. I note that this map is not dated, and it would not be possible to take any accurate scaled dimensions from it. However, the rear of the appeal site appears very similar to the existing ground floor plan shown on drawing No 289 PE 01.
10. It is clear that many of the properties had already been altered at the rear at the time the map was drawn. Nonetheless, in my experience, the layout shown at No 289 is typical of the traditional form of terraced properties of this age and style. This pattern of development is clearly visible, for example, in the properties which appear in the bottom left-hand corner of this inset map. Therefore, on balance of probability, I find that the requirements of paragraph A.1(g) would be met.
11. The Council have provided a number of documents relating to the planning history of the appeal site. However, whilst I agree that a number of discrepancies are apparent, there is little substantive evidence within these documents to show that the WC structure did not form part of the original dwellinghouse. Neighbours have been consulted and as they made no representations, I find that the proposal would not unacceptably harm their living conditions.

¹ 13/00467/HH

12. I therefore conclude that the proposal would comply with the relevant criteria for being permitted development. Furthermore, it would not result in unacceptable harm to the amenity of any adjoining premises. A grant of prior approval is therefore justified.

Conditions

13. The regulations stipulate that the development must be completed on or before 30th May 2019. They also require the developer to notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
14. It is also a condition that the development must be carried out in accordance with the approved details which, for the avoidance of doubt, comprise drawings 289 PE 01 and 289 PE 02 Rev 2. In addition, the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Conclusion

15. For the reasons above, and taking all other matters into account, I conclude that the appeal should succeed and prior approval is therefore granted.

Elaine Gray

INSPECTOR