



Appeal Decision

Site visit made on 26 June 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/N5660/D/19/3220713

57 High Trees, London SW2 3PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 2(1); 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 Abdul Mojid against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 18/05115/PDE, dated 23 November 2018, was refused by notice dated 8 January 2019.
 - The development proposed is prior approval for a rear single storey extension.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The description of the proposed development was amended by the Council from that set out on the application form. From what I have seen and read, although the amended description provides more detail of the proposal, it does not fully describe it. As a result, for clarity, I find it reasonable to refer to the original description provided on the application form in my Decision.
3. The provisions under Article 2(1), Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), require the local planning authority to assess the proposed scheme against the criteria set out in Paragraph A of the GPDO, with reference to the Technical Guidance¹. Accordingly, my determination of this appeal has been made on the same basis.
4. The appellant states that the appeal proposal is identical to a previous scheme (application ref: 14/01457/PDE) which was assessed by the Council in 2014 as not requiring prior approval. Due to financial circumstances, work on the approved scheme did not start and the decision time expired. I have also had regard to the relevant circumstances explained by the appellant concerning subsequent planning decisions relating to the appeal property and alleged inconsistencies in the Council's decision making. Notwithstanding this, from what is before me, I find that whilst there may be some differences in how these schemes have been considered by the Council, I must determine the appeal on the basis of the proposal now before me and assess the scheme against the relevant criteria of the GPDO and the available guidance.

¹ Department for Communities and Local Government: 'Permitted Development Rights for Householders – Technical Guidance' – April 2017

Main Issue

5. The main issue is whether the proposal would be permitted development and, if so, whether prior approval should be granted.

Reasons

6. The proposed scheme would wrap around the rear and side elevations of the semi-detached host property and replace some non-original alterations. From what the Council has said, I note that the proposed extension would be about 9.6 metres wide, 3.1 metres of which would project beyond the property's original side elevation facing Abbots Park. In addition, the proposal would project beyond the original rear elevation of the property by around 6 metres. The proposed pitched roof of the scheme is indicated to reach a height of 4 metres with an eaves height of 3.4 metres. The scheme would also have a shallow sloping roof section which would reduce down from a maximum height of 3.3m metres.
7. The above dimensions are taken from Paragraph 2.4 of the Council's delegated report and are based on existing ground level. The host property is situated on sloping topography and as a result, the existing ground level to the rear garden is lower than the ground level to the front. I note that the appellant's submitted plans are annotated with dimensions showing a raised ground level. In my view, the submitted drawings do not accurately reflect the impact of the scale and size of the proposal on the existing site and surroundings. Accordingly, I have assessed the proposed extension on the basis of the existing ground level measurements as set out by the Council.
8. Class A of the GPDO, permits the enlargement, improvement or other alteration of a dwellinghouse subject to limitations which are set out in Paragraph A of the GPDO. Criteria A.1(b) states that development is not permitted if the total area of ground covered by buildings within the curtilage of the dwelling, other than the original dwelling, would exceed 50% of the total area of the curtilage, excluding the ground area of the original dwelling.
9. From what I have seen on site and in submissions, I note there is an existing substantive single storey outbuilding within the rear garden of the property. However, the submitted plans do not include a site block plan and there is no calculation provided to show that the proposed extension would not exceed 50% of the total area of the curtilage in the terms set out above. Based on the plans and my observations on site, in my view, the proposal and other existing additions to the original property would likely result in coverage close to or above 50% threshold of the curtilage area. Notwithstanding this, the evidence provides insufficient information to provided clarification on the matter.
10. Criteria A.1(e) of the GPDO states that development would not be permitted where the enlarged part of the original dwelling would extend beyond a wall which fronts a highway and forms either the principal or side elevation of the original dwelling. The proposed extension would project beyond a wall which fronts onto Abbots Park and forms the side elevation of the original dwelling. Therefore, the proposed extension would not meet criteria A.1(e).
11. The proposed extension would project between about 5.5 to 6 metres beyond the rear elevation of the semi-detached host property. As such, it would not comply with Criteria A.1(f) of the GPDO which does not permit projections of more than 3 metres beyond the rear wall of the original dwelling. However, I note that the proposal would comply with the GPDO with regard to Criteria A.1(g) which permits single storey additions that project up to 6 metres from the original rear wall and up to 4 metres in height.

12. Criteria A.1(i) of the GPDO relates to where the enlarged part of the dwelling would be within 2 metres of the boundary of the curtilage of the dwelling and the height of its eaves would exceed 3 metres. Based on the measurements set out in relation to the existing ground level, the proposal would not meet this criterion as the extension would comprise an eaves height above 3 metres along the boundary with 59 High Trees. As such, I do not consider the scheme to be permitted development in this regard.
13. In relation to Criteria A.1(j), the host property has a single storey extension with a side elevation that the proposal would project beyond. Moreover, the proposed extension would project beyond the side wall of the original dwelling and it would have a width greater than half the width of the original dwelling. As a result, I find that the appeal proposal would not comply with Criteria A.1(j) of the GPDO.
14. I note in the submitted proposed floor plan (Drawing No: GA07) for the scheme that a stair or raised platform to the rear of the property is indicated. However, there are no proposed elevation plans to enable me to undertake a full assessment of these elements. In the absence of this detail in the submitted evidence, I find the proposed scheme would fail to meet Criteria A.1(k) of the GPDO.
15. Furthermore, Criteria A.3(a) of the GPDO states that development is permitted by Class A subject to a condition stating that materials used in exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the existing original dwelling. I note that the appellant has not specified that materials for the proposed extension would match those of the existing property. Accordingly, details on the proposed materials to be used are limited. Nevertheless, I find that compliance with this criterion could be achieved in this case by imposing suitably worded conditions in the event that prior approval was found to be required and subsequently granted.
16. Having assessed the proposed scheme against the relevant GPDO criteria and having due regard to the advice within the Technical Guidance, I find that whilst the proposal would have some benefits it would not comply with several criteria set out in the GPDO. As a result, in my assessment, the proposed scheme when assessed in its entirety is not permitted development.
17. Consequently, given my findings above, I conclude that the proposed development would not constitute permitted development as it would not comply with Criteria A.1(b), A.1(e), A.1(f), A.1(i), A.1(j) and A.3(a) of the GPDO. Accordingly, it is not necessary to determine whether prior approval should be granted in this case.

Conclusion

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

A McCormack

INSPECTOR