
Appeal Decisions

Site visit made on 13 August 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal A Ref: APP/E5330/D/19/3227071

171 Eastcombe Avenue, London, SE7 7LH

- 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 'GPDO').
 - The appeal is made by Mr Anthony Devine against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0173/PN1, dated 17 January 2019, was refused by notice dated 26 February 2019.
 - The development proposed is a single storey rear extension which will extend beyond the rear wall of the original dwelling by 4.65 metres, for which the maximum height will be 3.4 metres and the height at the eaves will be 3.0 metres.
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Appeal B Ref: APP/E5330/D/19/3227077

171 Eastcombe Avenue, London, SE7 7LH

- 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 GPDO.
 - The appeal is made by Mr Anthony Devine against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0729/PN1, dated 27 February 2019, was refused by notice dated 11 April 2019.
 - The development proposed is a single storey rear extension which will extend beyond the rear wall of the original dwelling by 4.65 metres, for which the maximum height will be 3.4 metres and the height at the eaves will be 3.0 metres.
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Decisions

1. Both appeals are dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The applications submitted by the appellant were made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the GPDO. In respect of appeal A, the Council utilised the powers under paragraph A.4(3)(b) to refuse the application, as it considered that the applicant 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). In respect of appeal B, the Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with these same conditions, limitations and restrictions. Paragraph A.4(4) states that where a local planning authority refuses an application under sub-paragraph (3) that can be treated as a refusal of prior approval.

4. Since the time of the Council's decision the GPDO has been amended and the time limits previously stated within paragraph A.1(g) have now been removed.

Main Issue

5. The main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

6. The appeal property is a mid-terrace dwelling with an existing single-storey lean-to rear extension, a rear box dormer and an original two-storey rear projection which adjoins the property at 173 Eastcombe Avenue. The proposal seeks to remove the existing lean-to extension and replace it with a larger single storey rear extension. From the plans submitted with the applications, the proposed extension would, at its greatest, measure 5.6 metres deep from the rear elevation of the original dwelling, with a maximum height of 3.4 metres and a maximum eaves height of 3 metres. It would therefore meet the criteria in paragraph A.1(g) in respect of its depth.
7. The original rear elevation of the dwelling is stepped in due to the presence of the two-storey rear projection. This was observed during the site visit. Paragraph A.1(j)(iii) states that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. As the original two-storey projection has a side elevation, the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse. Furthermore, as the proposed extension is the same width as the host dwelling, the extension would have a width greater than half that of the original dwelling.
8. Having regard to all of the above, I conclude that the proposed development would fail to comply with paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Other Matters

9. The appellant has raised some concerns regarding the conduct of the Council during the first application and the use of satellite imagery to determine the application. However, the appeal must be solely decided using the legislation within the GPDO and therefore these matters cannot be taken into consideration. It is also noted that no objections to the proposed development were received from neighbouring properties however, as the proposal does not meet the stipulations within the GPDO, this is not material.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeals are dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are dismissed.

Andrew Owen

INSPECTOR