



Appeal Decision

Site visit made on 3 September 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/E5330/D/19/3232020

51 Southwood Road, Eltham, London, SE9 3QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the provisions of Article 3(1) and 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 Mr Roy Buttell against the decision of Royal Borough of Greenwich Council.
 - The application Ref 19/0879/PN1, dated 6 March 2019, was refused by notice dated 18 April 2019.
 - The development proposed is described as 'single storey rear extension'.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension at 51 Southwood Road, Eltham, London, SE9 3QE in accordance with the application Ref 19/0879/PN1 dated 6 March 2019, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4(2) of the GPDO.

Appeal Procedure

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

Preliminary Matters and Main Issues

3. The appellant submitted an application to determine whether prior approval was required for a single storey rear extension under the provision of Schedule 2, Part 1, Class A of the GPDO. The Council refused the application, stating on the decision notice, that the appeal site is not regarded as a single family dwelling due to there being two registered properties at the site, and as such, it does not have permitted development rights to make enlargements, improvement or other alterations under Class A of the GPDO.
4. Therefore, the main issues in this case are whether the proposal comprises permitted development under Schedule 2, Part 1, Class A of the GPDO; and if so, whether or not prior approval would be necessary.

Reasons

Permitted Development

5. The appeal property is a semi-detached dwellinghouse, with a two-storey, side extension. The front elevation of the property has a front door accessing the original dwelling and an additional door providing the sole external access to the ground floor of the side extension.
6. The Council consider that the existing two-storey side extension is a dwelling known as No 51A Southwood Road, following an assessment by the Valuation Office, albeit it acknowledges that planning permission does not exist for this use. The use of the extension as a separate dwelling is however disputed by the appellant who submits that his son and partner are occupying the extension and have access to the main house. This is not disputed by the Council nor have I been provided with any evidence to the contrary. Whilst I note both party's submissions in this regard, the lawfulness or otherwise of No 51A as a separate dwellinghouse is not before me.
7. Irrespective of whether or not the existing extension is a separate dwelling, the matter before me is whether or not the proposed extension to No 51 is permitted development. In this regard both parties accept that the appeal property (No 51) is a dwellinghouse and I have no reason to find differently in this regard. The dwellinghouse has not been granted by virtue of Classes M, N, P or Q of Part 3 of GPDO, and as such benefits from the development permitted by Class A of the GPDO.
8. Schedule 2, Part 1, Class A Paragraph A.1 (g) (i) of the GPDO permits a single storey extension beyond the rear wall of the original dwellinghouse, which is no more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse. The appeal property clearly falls within the latter description. The extension would be located on the rear elevation of No 51; it would not be attached to any part of the side extension. The Council acknowledge that the size of the extension complies with the limits set out within paragraph A.1 of the GPDO and I agree.
9. In light of the above, I conclude that the proposed extension would be permitted development under Schedule 2, Part 1, Class A of the GPDO.

Whether Prior Approval is necessary

10. Paragraph A.4(7) states that prior approval is required for extensions under Paragraph A.1(g) where any owner or occupier of any adjoining premises objects to the proposed development. The Council consulted the owner/occupiers of adjoining premises and received no objections to the proposal. On this basis, I conclude that prior approval is not required for this proposal.

Conclusion

11. Having regard to all matters set out above, it is concluded that the proposed development would be permitted development and prior approval is not required. The appellant should note that Paragraph A.3(a) of Class A requires the materials to be used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Recommendation

12. For the reasons outlined above, I conclude that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on this basis the appeal is allowed.

RC Kirby

INSPECTOR