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## Appeal Decision

Site visit made on 18 November 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

### Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

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### Appeal Ref: APP/E5330/D/19/3238178 259 Holburne Road, SE3 8HF

- 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 Mrs Bestwn Mshir Hedaiat against the decision of the Royal Borough of Greenwich Council
  - The application Ref 19/2881/PN1, dated 15 August 2019, was refused by notice dated 26 September 2019.
  - The development proposed is a ground floor rear single storey extension with flat roof.
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### Decision

1. The appeal is allowed and prior approval is granted 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 GPDO) for a ground floor rear single storey extension with flat roof at 259 Holburne Road, SE3 8HF in accordance with the application 19/2881/PN1 made on 15 August 2019 and the details submitted with it, including plan nos. A01, A02, A03, A04, A05, A06, A07 and A08 pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) and subject to the condition as set out in Schedule 2, Part 1, Class A, paragraph A.3(a) 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.

### Main Issue

3. The main issue is whether the development is permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

### Reasons for the Recommendation

4. The appeal site comprises a mid-terrace residential dwelling situated on Holburne Road. The proposal relates to the erection of a single storey rear extension at the property. The parties are in agreement that the site does not consist of article 2(3) land and that permitted development rights in the GPDO have not been removed.

5. Proposals for the enlargement, improvement or other alteration of a dwellinghouse constitute permitted development provided that they satisfy the conditions, limitations or restrictions set out in Schedule 2, Part 1, Class A of the GPDO. Paragraph A.4 sets out the conditions that must be met for extensions which exceed the thresholds of paragraph A.1(f) but fall within those in paragraph A.1(g), which applies to this proposal. As laid down by Schedule 2, Part 1, paragraph A.1(3)(b), the Council may refuse an application where, in its opinion, the developer has provided insufficient information to enable the Council to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by paragraph A.1(g).
6. Schedule 2, Part 1, paragraph A.1(g) of the GPDO makes clear that the extension should be single storey, should not extend beyond the rear wall of the original house by more than six metres in the case of a property that is not detached, and must not exceed four metres in height. The parties are in agreement that, in accordance with the submitted plans, the proposal would be single storey and would extend 4.5 metres beyond the rear wall of the original house. However, the issue relates to the overall height of the proposal.
7. The Council points to the fact that the application form lists the height of the proposal as three metres but that the drawings submitted show the height to the rooflights as 3.2 metres, and states that as a result of this inconsistency, it is unable to establish whether the proposal complies with paragraph A.1(g). However, the appellant has stated that the drawings submitted with the application are accurate if they are to be relied on and measured from.
8. Schedule 2, Part 1, paragraph A.1(i) is also of relevance, stating that if the enlarged part of the dwellinghouse would be within two metres of the boundary of the curtilage of the dwellinghouse, and that the height of the eaves of the enlarged part would exceed three metres it would be permitted. The parties are in agreement that the extension would be within two metres of the boundary. However, the Council states that while the application form lists the eaves height as 2.7 metres, the drawings submitted show the height to eaves as three metres. Again, the Council has stated that as a result of this inconsistency it is unable to establish whether the proposed development complies with paragraph A.1(i), while the appellant has cited the drawings submitted with the application as accurate.
9. In the absence of agreement between the parties on the height of the eaves and overall height of the extension, I have relied on the higher figures as put forward in the application drawings in order to assess the proposal. These figures represent a worst case scenario and demonstrate that the proposal would consist of a single storey extension measuring three metres in height to the flat roof, with a skylight of an additional 150mm in height installed on this roof. The drawings also confirm that the eaves height is the point at which the flat roof meets the external wall, being a height of three metres. Even using these higher figures the proposed development would not exceed four metres in overall height and will not have an eaves height of more than three metres. The proposal therefore complies with the applicable conditions, limitations and restrictions in Schedule 2, Part 1, paragraph A.1(g) of the GPDO.

### **Other considerations**

10. Schedule 2, Part 1, paragraph A.1(4) of the GPDO states that where a local planning authority refuses an application under sub-paragraph (3) such a refusal is to be treated at appeal as a refusal of an application for approval. In accordance with sub

paragraph (7) the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises in the event that an objection is received. While no objection has been received in this instance, given that this appeal is to be treated as a refusal of an application for approval, an assessment of the impact of the proposal on the amenity of the occupiers of adjoining premises should be carried out.

11. The proposal would be erected in the rear yard of the appeal property which, as a mid-terrace dwelling, has adjoining premises on both sides. All three properties benefit from long rear gardens separated by boundary fences which are relatively tall at the section where they meet the rear elevation of the properties, before reducing in height along the majority of the gardens.
12. In the context of the long rear gardens at the properties, the proposal would have a relatively small footprint, and would not represent a significant or dominant addition to the rear yard of the appeal property. At the point where the proposal meets the rear elevation of the current dwelling, it would be somewhat obscured by the taller section of fencing, and would be set back from the boundary with the neighbouring property to the east. In accordance with the plans submitted, no windows are proposed along the side elevation of the proposed extension. I therefore find that the proposal would not have an unacceptable impact on the amenity of the occupiers of adjoining premises.

### **Conclusion and Recommendation**

13. For the reasons given above, I recommend that the appeal should be allowed and prior approval should be granted.

*C Rafferty*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed and that prior approval should be granted.

*Z Raygen*

INSPECTOR