



Appeal Decision

Site visit made on 27 January 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/E5330/D/19/3226314

82 High Grove, London SE18 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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).
 - The appeal is made by Mr Oleksandr Oliynyk against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 19/0687/PN1, dated 23 February 2019, was refused by notice dated 8 April 2019.
 - The development proposed is erection of single storey rear extension 5.0m deep.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of Schedule 2, Part 1, Class A and limitation A.1(g) of the GPDO are subject to paragraph A.4, which requires a prior approval procedure to be undertaken, including consultation with adjoining property owners or occupiers. Development must not begin until the conditions of paragraph A.4(10) have been met. In this case, no objections were received, but the Council's decision notice states that it 'refused' prior approval because of inconsistent information regarding the maximum depth of the proposed extension, which in its opinion, would mean that the development could not be carried out in accordance with the information provided, as required by paragraph A.4(11).
3. I have been provided with two subsequent decision notices issued by the Council¹ confirming that prior approval was not required for a similar extension at the appeal site, made under separate prior approval applications. Nonetheless, the appellant has not withdrawn this appeal. At the time of my site visit it was evident that building works had been undertaken and a single storey rear extension akin to the proposal was in situ.

Main Issue

4. In light of the above, the main issue is whether the proposal complies with the conditions, limitations and restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO.

¹ LPA ref: 19/1319/PN1 & 19/1320/PN1

Reasons

5. Class A paragraph A.4(2) requires the developer to notify the Council with certain information about the proposal, before development commences.
6. The Council states that the extension drawn on the submitted block plan measures 4.78m and is therefore inconsistent with the description of 5m.
7. Be that as it may, paragraph A.4(2)(b) does not require the plan to be drawn to any scale. The plan needs only to indicate the site and show where the proposed extension is to be located. The actual dimensions of the proposed extension are required to be stated in writing under A.4(2)(a), which the appellant did. The appellant also submitted detailed drawings, which clearly indicate that the extension would project 5m. Thus, precise accuracy of the delineation of the extension on the submitted block plan is not critical. Accordingly, I find that the Council's stance on this matter was incorrect and that in the absence of any objections, prior approval should not have been refused for the reason given on the decision notice.
8. However, with reference to my observations on site, works on the proposed extension have already taken place. Therefore, notwithstanding my finding above, the effect of paragraph A.4(10) is that prior approval cannot now be granted for development that has already begun. Thus, on the basis of the current situation, I conclude that the proposal cannot constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Conclusion

9. For the reasons given above, the appeal should be dismissed.

Adrian Caines

INSPECTOR