



Appeal Decision

Site visit made on 14 July 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/Q5300/D/20/3246098

69 North Circular Road, London N13 5EQ

- 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) (the 'GPDO').
 - The appeal is made by Mrs R. Ali against the decision of London Borough of Enfield Council.
 - The application Ref 19/03923/PRH, dated 14 November 2019, was refused by notice dated 8 January 2020.
 - The development was described on the application forms as the erection of single storey larger rear extension with 5m extended in rear from original house rear wall. Measure 3.00 metres in height at the eaves and 4.00 metres in height at the highest point of the extension. Total enlargement will take approximately 35% of the rear garden.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO for single storey rear extension 5.0m deep x 4.0m high (3.0m to eaves) at 69 North Circular Road, London, N13 5EQ in accordance with the terms of application Ref 19/03923/PRH, dated 14 November 2019 and details submitted with it, including plans 2019/161/01 (Existing and Proposed Floor), 2019/161/02 Existing and Proposed Roof, 2019/161/03 (Existing and Proposed Elevations) and Location Plan, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

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.

Procedural Matters

3. In the formal decision above I have used the description of the development given on the Council's decision notice as that more succinctly describes the development.

Reasons for the Recommendation

4. The application subject of the appeal was received by the Council on 15 November 2019, as detailed on their decision notice. Paragraph (10)(c), Class A.4, Part 1, Schedule 2 of the GPDO, states that development subject of the prior approval procedure must not commence before the expiry of 42 days

following the date on which the information required to be provided in such an application was received by the Council, without the Council notifying the applicant as to whether prior approval is given or refused.

5. The Council's decision notice is dated 8 January 2020, which is comfortably in excess of 42 days from 15 November 2019. I have no evidence before me to indicate the information required to be provided by the appellant was not all received by the Council on 15 November, and the parties have confirmed that no extension to the 42 day period was agreed.
6. As such I consider the Council failed to notify the appellant within the requisite 42 day period as to whether prior approval was given or refused. Their failure to do so, means that prior approval is deemed to be granted and it is not necessary, in this appeal, to consider the reason for refusal given in the Council's decision notice.

Recommendation

7. For the reasons given above I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR