



# Appeal Decision

**by Mr Martin Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 January 2021**

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**Appeal Ref: APP/E5330/D/20/3255872**

**33 Kellaway Road, Kidbrooke, London SE3 8PW**

- 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 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Ahmad Qane against the decision of Royal Borough of Greenwich.
  - The application Ref 20/0983/PN1, dated 27 March 2020, was refused by notice dated 11 May 2020.
  - The development proposed is described as "Single storey rear extension to match existing house."
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Mr Ahmad Qane against the Royal Borough of Greenwich. This application is the subject of a separate Decision.

## Preliminary Matters

3. In light of the current restrictions in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council were given an opportunity to provide comments on this approach and I have taken any responses into account.
4. The appeal was mistakenly submitted in the name of the agent. However, it has been clarified that it is the applicant for the application for prior approval who is the appellant and I have proceeded on this basis.
5. In addition to the information required by the Order, the appellant submitted further information, in particular, floor plans of the proposal. As this was before the Council at the time of its decision, I have also taken this into account.

## Main Issue

6. The main issue raised is whether or not the proposal would be permitted development.

## Reasons

7. Included within the application was a floor plan that appears to show the proposed extension extending over the property's boundary and into the neighbouring site. Within the submitted grounds of appeal, it is accepted that the side wall as shown on the submitted plan is in error. Whilst the elevation and site plans show the wall in the correct position, this does not negate that the floor plan shows the wall extending outside of the appeal property's curtilage, into the neighbouring curtilage.
8. Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is clear that it permits development within the curtilage of a dwellinghouse (*my emphasis*). As such, development must be contained within a single dwelling's curtilage. The information that has been provided creates uncertainty as to whether the proposal would be within a single curtilage or extend over the curtilages of two houses.
9. As a result, given the discrepancy between the submitted plans and that some of the details show development extending over a boundary line, I cannot determine that the proposal would be permitted development.

## Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR