
Appeal Decision

Site visit made on 6 April 2021

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/Y5420/D/20/3263562

12 New Road, Wood Green, London, N22 5ET

- 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 appeal is made by Mr Muhid Miah against the decision of Council of the London Borough of Haringey.
 - The application Ref HGY/2020/2230, dated 18 September 2020, was refused by notice dated 22 October 2020.
 - The development proposed is single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

4. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. Paragraph A.1 (i) of schedule 2 of the GDPO does not permit development where the enlarged part of the dwellinghouse would be within 2 metres of the
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boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

6. Drawing D04 submitted with the application shows the extension roof comprising a flat roof with a roof lantern, the highest part of which is 4 metres, and a sloping roof extending from the flat section down to 3 metres. It is clear from the drawings that most of the roof exceeds 3 metres in height and the side of it would be on, and therefore within 2 metres of, the boundary of the curtilage.
7. Page 12 of The Department for Communities and Local Government Permitted development rights for householders Technical Guidance (September 2019) (The Guidance) provides the following advice on measuring the eaves height for flat roofs: 'Eaves height is measured from the ground level at the base of the outside wall to the point where that wall would meet the upper surface of the flat roof.'
8. When measuring the eaves height according to the guidance it exceeds 3 metres. The proposed development does not therefore comply with the limitations or restrictions that are applicable to such permitted development and would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Other Matter

9. Both the Council and appellant have considered issues relating to whether the proposed development would have an acceptable impact on the living conditions of occupants of neighbouring houses. However, as the proposal would not be permitted development these are not matters for me to consider.

Conclusion

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

P D Sedgwick

INSPECTOR