



Appeal Decision

Site visit made on 10 May 2021

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Appeal Ref: APP/W5780/D/20/3264521

2 Rochester Gardens, Ilford IG1 3LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Imran Ali Wahid against the decision of London Borough of Redbridge.
 - The application Ref 2255/20, dated 23 July 2020, was refused by notice dated 11 September 2020.
 - The development proposed is 'single storey outbuilding in the rear garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development was amended following the submission of the application to "*Rear outbuilding (summary)*". I have utilised the original description as stated on the application form.

Main Issue

3. The main issue is whether the proposal complies with the requirements of Article 3 Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Reasons

4. The parties agree that the proposal complies with the conditions, limitations or restrictions applicable to development permitted by Class E, except for E1(e) which requires the height of the building not exceed 2.5 metres.
5. Despite the description of development given on the application form referring to a single outbuilding, the Appellant contends that the proposal is in fact for two separate outbuildings which are to be physically attached to an existing building. The Appellant asserts that, as separate outbuildings, each element complies with the relevant height restriction of E1(e) and the existing building is not to be taken into account. The Council contends that the proposal is to extend an existing outbuilding, and the height of the existing building exceeds the height restriction of E1(e).
6. Although the two elements proposed may not have internal access to the existing building, both parties agree that they would be physically attached to the existing building. They would therefore, create a single built form within the

curtilage of the dwellinghouse. Moreover, the description of development given is reflective of the fact that the proposal would create a single building.

7. Furthermore, Regulation 2 of the Order sets out how the Order is to be interpreted. References to '*building*' are taken to include "*any part of a building*" and it is clarified that '*erection*' in relation to buildings "*includes extension, alteration and re-erection*". Therefore, in being physically attached to the existing building, the proposal would constitute an extension to it and, in assessing the resultant building against the relevant criteria, any part of the building is to be taken into account. As such, the height of the building would exceed the restriction given in E1(e) and the proposal would not be capable of constituting permitted development for the purposes of Class E.

Conclusion

8. For the reasons given above, the proposal would not comply with the requirements of the Order. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR