
Appeal Decision

Site visit made on 29 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2021

Appeal Ref: APP/G5750/D/21/3266982

76 Cranmer Road, Forest Gate, London E7 0JL

- 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, 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 Dr Jahangir Hussain against the decision of the Council of the London Borough of Newham.
 - The application Ref 20/02047/PREHH, dated 16 September 2020, was refused by notice dated 28 October 2020.
 - The development proposed is prior notification application for the construction of two single storey rear extensions. The details submitted are as follows:
Extension 1:
The proposed extension will extend beyond the rear wall by 6m
The maximum height of the proposed extension from the natural ground level is 3m
The height at eaves level of the proposed extension measured from the natural ground level is 3m
Extension 2:
The proposed extension will extend beyond the rear wall by 6m
The maximum height of the proposed extension from the natural ground level is 4.48m
The height at eaves level of the proposed extension measured from the natural ground level is 3m
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal falls within the provisions for permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).

Reasons

3. The provisions of the GPDO under Schedule 2, Part 1, Class A allow for the enlargement, improvement or other alteration of a dwellinghouse as permitted development subject to certain conditions, limitations and restrictions. The proposed development exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Thus, as required by Paragraph A.4(5), the Council notified adjoining owners or occupiers about the proposed development.
4. The Council states that the proposal cannot be granted prior approval because it is unsatisfied that the site is a single dwellinghouse and therefore does not

benefit from permitted development rights under the GPDO. The officer's report indicates that the site is subject of an enforcement notice against the unauthorised change of use of the property from a dwellinghouse to a Sui Generis House in Multiple Occupation (HMO) without planning permission. The appellant contends that the appeal property has never operated as a Sui Generis HMO and the existing use of the dwelling is a small HMO for up to 6 people (Class C4).

5. The existing ground floor plan shows 2no ground floor bedrooms towards the front of the property and a dining area and kitchen to the rear. No upper floor plans are before me. At the time of my site visit, the property was not occupied and was undergoing renovations. I saw that the building contains 4 units, each with lockable entrance doors accessed from the stairwell. Towards the front of the ground floor there is a unit comprising a living space, shower room, and a separate kitchenette. The kitchenette currently includes a sink and oven with a hob. This differs from the layout shown on the existing ground floor plan. To the rear of the ground floor there is a separate dining area and a kitchen, which would appear to be available for communal purposes.
6. At first floor, there is a unit towards the rear which includes a living space, shower room and a separate kitchenette. A mattress was laid on the floor of the living space. The kitchenette is located in a separate room at the rear and currently contains a sink and cooker with hob. Towards the front of the first floor, there is a unit comprising a living space, shower room, and a bedroom. A kitchenette is provided within the living space, which includes a sink, cooker with hob, and a washing machine.
7. I saw that the property has a mansard roof to the front and rear, which is not indicated on the existing plans. This facilitates a unit at second floor, comprising 2 bedrooms, a shower room and a kitchen. The kitchen contains a sink, cooker with hob, washing machine and a refrigerator. It therefore provides all the facilities required for day-to-day private domestic existence.
8. Whilst I note that there is a communal space to the rear of the ground floor, given that the units have lockable entrance doors and provide the facilities required for day-to-day private domestic existence, including independent cooking, washing and sleeping, on the basis of the information before me I find that the appeal building includes self-contained flats that could be occupied independently without the need to share amenities. Consequently, I am not persuaded, on the balance of probabilities, that the appeal building falls within either Class C3 single dwellinghouse or Class C4 HMO, and so the enlargement of the dwellinghouse is not permitted under Schedule 2, Part 1, Class A of the GPDO. Flats do not benefit from permitted development rights afforded by the GPDO.
9. I therefore conclude that the proposed extensions are not permitted under the GPDO. As the proposal does not constitute permitted development, it is not necessary for me to consider the effect of the proposal on the amenity of neighbours.

Conclusion

10. For the reasons given above, the appeal is dismissed.

C Osgathorp INSPECTOR