



Appeal Decision

Site visit made on 6 July 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/P5870/D/21/3268151

19 Hillcrest Road, Purley, CR8 2JF

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Nick & Hannah Hignell against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/01387, dated 4 September 2020, was refused by notice dated 19 October 2020.
 - The development proposed is a single storey rear extension with flat roof and roof lanterns.
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Decision

1. The appeal is dismissed.

Preliminary Matters

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. In this instance the Council considered that the proposed extension exceeded the dimensions of the criteria set out in Class A J (iii). The Council's case is that the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The Appellants are of the view that the Council has misinterpreted the criteria's applicability to the specific form of the dwellinghouse on the appeal site.
4. In the interim period between the Council's 19 October 2020 decision and my dealing with this case the Appellants, for reasons of expediency, have applied for and gained planning permission (ref DM2021/00064) for the extension. Via implementation of this permission the structure they wished had largely been completed at the time of my site visit.

Main Issue

5. 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.
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Reasons

6. The allowances within Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) cannot be applied retrospectively where a project has commenced. As I mention above, the extension has now been largely built. It follows that the scheme before me cannot now be deemed permitted development under the GPDO. I thus have no alternative other than to dismiss the appeal.
7. In the circumstances there is no need for me to consider the matter in dispute as outlined in paragraph 3 above and I shall take this no further.

Overall conclusion

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

D Cramond

INSPECTOR