



Appeal Decision

Site visit made on 8 July 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2021

Appeal Ref: APP/W5780/D/21/3268644

15 Mellows Road, Clayhall, Ilford IG5 0HJ.

- 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 T Gritharan against the decision of the London Borough of Redbridge Council.
 - The application 4197/20, dated 2 December 2020, was refused by notice dated 11 January 2021.
 - The development proposed is single storey rear extension with a flat roof.
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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. 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 – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

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

Reasons

5. The appeal site sits on the north-east side of Mellows Road and forms one of a pair of semi-detached properties in the road. No 15 has seen significant previous extension to the original building including 2 storey side and rear extension, roof and dormer extension and single storey rear extension. There is also currently a large open canopy section attached to the rear extension. The proposal is to remove the existing full width rear extension and canopy and construct a deeper but narrower single storey rear extension.

6. The appellant's intention, following a previous proposal dismissed on appeal (Ref APP/W5780/D/15/3133078), is stated as being to design an extension, taking advantage of the procedure for larger extensions, that was within the limitations and requirements of A.1 of Class A. The proposed new rear extension would extend out more than 3 metres but no more than 6 metres from the rear wall of the original dwelling and therefore, as a larger extension, application has been made to the Council under A.4 of Class A to Part 1 of Schedule 2 of the GPDO.
7. Having reviewed the proposed extension against the limitations and restrictions in Class A at A.1 the proposal would accord with the limitations in most respects. The issue relates to the restrictions in respect of A.1(j).
8. Whilst the new extension itself would not extend beyond the side wall of the original dwelling house it has been put to me that the conjunction of the new extension with the existing two storey side and rear extension would mean that the new extension would conflict with section A.1(j). The GPDO 2015 was amended by *the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017* through the insertion of paragraph A.1(ja). This states development is not PD where: any total enlargement (being the enlarged part together with any existing enlargement of the original dwelling house to which it will be joined exceeds or would exceed the limits set out in sub-paragraphs (e) to (j) of A.1 to Class A of the GPDO.
9. The design, in demolishing the existing ground floor rear extension, would remove support to approximately a 4.5 metre x 2 metre section of the first floor side and rear extension. The new extension would 'tuck under' this section of the first floor and the two, as proposed, are intended to be structurally independent with notes on the plans indicating the first floor section would be supported by cantilever beams.
10. Despite the appellant stating in his appeal statement that the plans provide details of this, they do not and merely refer to the use of cantilever beams. Although the minimal projection of the rear facing bay window at c 700mm could be supported in this way and is a common feature in houses, the support structure necessary for a substantial section of the first floor rear and side extension should be demonstrated to be workable. Whilst I accept that structural matters are not directly a planning matter, where an inability to support the first floor structure would result in the ground and first floor being conjoined, it would become a planning matter in that the extension would then be in conflict with the restrictions in A.1(ja) and thereby A.1(j).
11. For that reason, I am satisfied that it was reasonable for the Council to have sought additional information to demonstrate that the first floor, 'oversailing' the new extension, could be structurally independent of the ground floor. The evidence before me indicates that the appellant was asked during the determination period to submit details of the structural arrangement for the rear of the first floor extension to demonstrate that the two extensions could be structurally independent and the appellant chose not to submit these. The appellant also had the opportunity in preparing his appeal statement to submit the details and has chosen not to do so.
12. The GPDO at A.4(3) as stated above in the preliminary matters specifically allows that the Council may refuse an application where the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions set out in the GPDO.

13. I have been referred to a similar extension to the rear of No 13 which the appellant considers justifies the acceptance of the proposals at No 15 as PD. However, No 13 does not have a side and rear first floor extension and whilst the ground floor rear extension, which I admit is very similar to No 15's, 'tucks under' the existing rear-facing bay window this appears to be a freestanding part of the original building. The extension in that case is therefore not the same as that proposed at No 15 and I have considered the appeal case on its own merits.

Conclusion

14. For the reasons given above, I conclude that the appellant has provided insufficient information to determine whether the proposed extension would meet the conditions, limitations and restrictions of A.1 of Class A to Part 1 Schedule 2 of the GDPO in particular in terms of A.1(ja). This is not to say that the appellant could not provide satisfactory information to submit a further prior approval application or a householder planning application in the future, just that in this case it is not proven that the proposal would be PD. Accordingly, the appeal is dismissed.

P. D. Biggers

INSPECTOR