



Appeal Decision

Site Visit made on 10 August 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/T5720/W/21/3270213

90 Garfield Road, London SW19 8SB

- 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 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Oppidan (GR) Ltd against the decision of the London Borough of Merton.
 - The application Ref 20/P3561, dated 26 October 2020, was refused by notice dated 17 February 2021.
 - The development proposed erection of an additional storey in connection with the creation of 4 (4 x 2 bedroom) dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's decision notice as it simply and accurately describes the development.
3. The principle of the development is established by Part 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO). The prior approval provisions do not require regard to be had to the development plan.

Main Issue

4. The main issue is whether the proposed development would be granted planning permission by the GPDO with regard to the requirements of paragraphs A.1(j)(i) and A.2(1)(e) relating to building and engineering operations and the external appearance of the building.

Reasons

5. The appellant has provided a letter from a structural engineer stating that the extended brickwork at second floor would benefit the structure by stiffening the existing piers between windows, allow extra load and distribute wind loading. The appellant has also indicated that the extended brickwork is designed to improve the appearance of the building and does not fall within the provisions of the GPDO.
6. Consequently, based on the limited and contradictory evidence before me, it has not been demonstrated that the proposed development would comply with

paragraph A.1(j)(i). I therefore conclude that the proposed development is not permitted under Part 20, Class A of the GPDO.

7. Given my conclusion, it is not necessary to consider whether prior approval should be given for the proposal.

Conclusion

8. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR