
Appeal Decision

Site Visit made on 13 September 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2021

Appeal Ref: APP/U5930/W/20/3266165

Jassal Court, Stocksfield Road, London E17 3FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Mr Rossel on behalf of Rossel Developments Ltd against the decision of Waltham Forest London Borough Council.
 - The application Ref 202701, dated 4 September 2020, was refused by notice dated 23 October 2020.
 - The development proposed is Add one extra floor of accommodation, providing 1 no. studio and 1 no. 1 bed to Jassal Court, presently containing 8 no. 2-bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the submission of the appeal, a revised National Planning Policy Framework was published. The parties were consulted regarding this matter and any responses received have been factored into my assessment of the appeal.

Main Issue

3. The main issue is whether the proposal represents permitted development by virtue of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO).

Reasons

4. Part 20, Class A of the 2015 GPDO relates to new dwellinghouses on detached blocks of flats. It allows development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, as well as works that are reasonably necessary to facilitate the development.
5. Paragraph A.1 establishes the requirements for development to be permitted by Class A, and Paragraph A.2 sets out the conditions against which prior approval should be assessed. In addition, Paragraph B establishes the procedure for applications for prior approval under Part 20. Within Paragraph B, sub-section 2 (c) confirms that the application must be accompanied by floor plans which are drawn to an identified scale and show the direction of North,

indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the existing and proposed elevations of the building.

6. The submitted drawings are drawn to an identified scale and show the direction of North. They also show the total floor space in square metres of each dwellinghouse, as well as the position and dimensions of windows and doors. Existing and proposed elevations of the building have also been provided in a clear manner. However, although certain dimensions are provided on the floorplans, and the use of each room is clearly noted, the rooms are not fully dimensioned. In this respect, the submitted drawings do not comply with the requirements of the 2015 GPDO.
7. I agree with the appellant that the information provided on the drawings meaningfully show key dimensions to demonstrate compliance with floor space requirements. However, the requirements of Paragraph B (2) (c), as identified above, are not discretionary, and they are fundamental to the prior approval process. Without providing the information that is specifically and directly required by the 2015 GPDO, the proposal cannot comply with its requirements. This is regardless of whether the matters set out within Paragraph A.2 are acceptable. Indeed, due to the shortcomings within the submission, it is not necessary to assess these matters, because it would not alter the outcome of the appeal. Unfortunately, the submission is technically flawed, and consequently, I conclude that the proposal would not represent permitted development by virtue of Part 20, Class A of the 2015 GPDO.

Conclusion

8. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR