

Appeal Decision

Site Visit made on 21 September 2021

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/E5330/D/21/3272825

128 Grangehill Road, Eltham SE9 1SG

- 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 & Mrs Turner against the decision of Royal Borough of Greenwich.
 - The application Ref 20/3772/PN1, dated 8 December 2020, was refused by notice dated 19 January 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. 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.
4. 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

5. 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.

Reasons

6. The appeal property comprises an end of terrace dwelling with a single storey rear projection. On the evidence before me, it appears that the single storey rear projection forms part of the original dwellinghouse.
7. The information before me indicates that the single storey rear projection would be demolished and a new extension would be constructed across the full width of the property with a maximum height of 3.15m and an eaves height of 2.9m. It would project 4.2 metres beyond the rear wall of the 2 storey part of the dwelling, with dormer above.
8. The appellants submit that as the rear single storey projection would be demolished that the proposal should be assessed as an extension to the rear of the dwelling as opposed to an extension to the side elevation of the original dwellinghouse which is the approach that the Council has adopted.
9. From my observations the original dwellinghouse has 2 rear elevations: that associated with the rear wall of the 2 storey dwelling with dormer above, and that associated with the rear kitchen wall. It follows therefore that the side wall of the kitchen comprises one of the side walls of the original dwellinghouse.
10. Although the proposal would demolish the single storey rear projection, the new extension would extend beyond the side wall of the kitchen and whilst complying with the height and single storey criteria of paragraph A.1. (j), its width would exceed more than half the width of the original dwellinghouse as stipulated in paragraph A.1.(j) (iii). As such the proposal would not comprise development permitted by Class A of the GPDO.
11. I have had regard to the examples of similar extensions referred to by the appellants, however, it is not clear from the submitted information as to whether the circumstances of these cases are directly comparable to those before me, particularly with regard to whether the part of the dwellinghouse to be demolished formed part of the original dwellinghouse. Moreover, whether or not something is development permitted by the GPDO is a matter of fact and degree. The presence of similar extensions elsewhere where the Council have found them to be permitted development does not alter my conclusion.

Conclusion

12. Accordingly, I conclude that the proposal is not granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and is development which requires planning permission.
13. For the above reasons, the appeal is dismissed.

RC Kirby

INSPECTOR