



Appeal Decision

Site visit made on 26 October 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 27 October 2021

Appeal Ref: APP/Z5060/W/20/3265191

Victoria House, 91 Broad Street, Dagenham RM10 9HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Rob Galvin against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 20/01988/PRIAD, dated 7 October 2020, was refused by notice dated 30 November 2020.
 - The development proposed is described as '*prior approval under class AA to erect double storey mansard structure to create residential units*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The evidence is that the prior approval application was submitted on the basis of being considered against the requirements of Class AA of Part 1 of Schedule 2 of the GPDO, i.e. the enlargement of a dwellinghouse by construction of additional storeys. The notification undertaken related to such a proposal and, in addition, the assessment criteria relating to this type of proposal is different from Class AA of Part 20 of Schedule 2 of the GPDO.
3. In respect of the latter class of development, I am cognisant of some communication between the Council and the applicant about withdrawing the prior approval application which is the subject of this appeal and the possibility of submitting a different type of prior approval application. However, such a proposal is not before me now and, furthermore, would need to be assessed against different permitted development limitations/conditions and assessment criteria and would require separate notification from a public consultation point of view. There would therefore be prejudice caused to other interested parties if I were to consider this proposal against other classes of development in the GPDO which would be the subject of prior approval. I must determine this appeal on the basis of specifically what was applied for and considered by the Council.

Main Issues

4. The main issues are (i) whether the proposed development meets the permitted development limitations and conditions of Class AA of Part 1 of

Schedule 2 of the GPDO and, if so, (ii) whether it complies with all of the detailed assessment criteria in paragraph AA.2(3).

Reasons

Whether permitted development

5. The Council contend that the appeal property is a row of flats on top of a parade of shops. The appellant has not provided me with any reasonable or objective evidence to refute this claim.
6. It is proposed to erect a two storey mansard structure on top of the existing building to provide 16 new flats. Class AA relates to the enlargement of a 'dwellinghouse' by construction of additional storeys. In respect of this class of development, paragraph 2(1) of the GPDO states that a dwellinghouse '*does not include a building containing one or more flats, or a flat contained within such a building*'.
7. As there is not clear evidence to demonstrate that the proposed development would relate to a dwellinghouse, I am unable to find that it would fully meet all of the limitations and conditions of Class AA of Part 1 of Schedule 2 of the GPDO. I cannot therefore conclude that the proposal would be permitted development.

Assessment criteria

8. As I have been unable to find that the proposal would be permitted development, it has not therefore been necessary for me to consider the appeal against the detailed assessment criteria in paragraph AA.2(3).

Conclusion

9. For the reasons outlined above, I am unable to conclude that the proposal would be permitted development. Therefore, the appeal is dismissed.

D Hartley

INSPECTOR