



Appeal Decision

Site Visit made on 15 November 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/Q5300/D/21/3274446

14 Crestbrook Avenue, LONDON, N13 5RR

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Tashvin Ramdarshan against the decision of London Borough of Enfield.
 - The application Ref 21/00891/PRH, dated 8 March 2021, was refused by notice dated 9 April 2021.
 - The development proposed is the demolition of the existing rear conservatory (3m) and build new 4.5m ground floor rear extension with maximum height not exceeding 3m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my visit I noted that the proposed development had been largely completed, with walls and roof built and a rear window installed. The rear door had not yet been installed and the opening consisted of wooden boards to secure the property.

Background and Main Issue

3. Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.1(g) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) grants planning permission for development consisting of an extension that would not exceed 6 metres. That 'permitted development right' is subject to limitations and conditions, including those set out in paragraph A.4 of Class A. Paragraph A.4(10) states that the development must not be begun before either: the Council has stated that Prior Approval is not required; given Prior Approval; or the expiry of 42 days from the date the application was received without the local planning authority notifying the developer as to whether prior approval is given or refused.
4. The main issues are therefore whether the proposed development complies with the limitations imposed under paragraph A.1(g) on development permitted under Class A and, if so, the effect of the proposed extension on the living conditions of neighbouring occupiers, with respect to the effect on daylight and sunlight.

Reasons

5. Paragraph A.4(2) specifies that the applicant must make an application to the Council and (at 7) that the Council would need to give its prior approval of the development if an adjoining occupier/owner objects to the scheme. I recognise that an objection was submitted to the Council. Prior Approval was deemed to be required and the scheme was refused by the Council within 42 days of the application being made.
6. Prior approval cannot be granted for development that has already begun, whether or not it is wholly or partially completed. This applies even if the development was begun after the application was made or during the appeal process. Accordingly, none of the criterium of paragraph A.4(10) have been met in this case.
7. Consequently, the proposed extension would not comply with the limitations imposed under paragraph A.4(10) of the GPDO. It is therefore not necessary for me to consider the effect of the proposal on neighbouring living conditions.
8. Accordingly, there is a failure of the proposal to adhere to the requirements of the prior approval conditions, and as a result the appeal should be dismissed.

B Plenty

INSPECTOR