



Appeal Decision

Site visit made on 30 November 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/G5750/W/21/3276032

62a Barking Road, London E6 3BP

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Z Butt against the decision of London Borough of Newham.
 - The application Ref 21/00272/PREAA, dated 3 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is described as “two storey upward extension to provide 3 self contained flats”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building subject to limitations and conditions.

Main Issue

3. The main issue is whether the proposed development would comply with the limitations and conditions applicable to development permitted, having regard to Class AA of Schedule 2, Part 20 of the GPDO.

Reasons

4. Schedule 2, Part 20, Class AA of the GPDO states that new dwellinghouses on detached buildings in commercial or mixed use will be permitted development. Paragraph AA.1(o)(vii) further states that development is not permitted by Class AA if land is within 3 kilometres of the perimeter of an aerodrome.
5. The appeal site lies within 3 kilometres of London City Airport. The proposal therefore does not comply with paragraph AA.1(o)(vii) and is not permitted development.
6. The appellant indicates that the appeal site does not fall within a flight path and that there are a number of approved developments in close proximity of the appeal site which far exceed the proposed overall height. Insufficient information has been provided on these other schemes and I cannot be sure

that they represent a direct parallel with the appeal scheme, particularly with regards to permitted development rights. In any case, I have determined this appeal on its own merits.

7. I have had regard to the appellants statement of case including reference to design and visual effects, neighbouring amenity, light, outlook, privacy, quality of accommodation, noise, highways and transportation, flood risk, contamination, waste management, effective use of land and compliance with development plan policies and other parts of the GPDO. These matters, however, do not alter my findings with regards to non-compliance with paragraph AA.1(o)(vii) of the GPDO.
8. Accordingly, the proposal would not comply with paragraph AA.1(o)(vii) of Schedule 2, Part 20, Class AA of the GPDO and therefore, is not permitted development.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR