



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2022

Appeal Ref: APP/G5180/X/21/3281082

36 Church Avenue, Beckenham BR3 1DT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr I and Mrs C Woodrow against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/00960/PLUD, dated 26 February 2021, was refused by notice dated 16 August 2021.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The development for which an LDC is sought is a single storey detached garage.
-

Decision

1. The appeal is dismissed.

Reasons

2. 36 Church Avenue is a mid-terraced dwelling with a rear garden that has a boundary to a vehicular access. The garage, which would face the access, has been proposed on the basis that it would be development permitted under Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). Development is not permitted under Class E if, amongst other limitations, the height of the garage would exceed 2.5 metres within 2 metres of the boundary of the garden.

3. The garage would be sited within 2 metres of the boundary of the garden. At application stage the Council, given conflicting information, sought to clarify what the height of the garage would be. The Appellants confirmed that the garage would be 2.526 metres high and put forward reasons why this height could not be reduced. These reasons are not relevant because there can be no discretion when applying limitations of the GPDO. In any event, it is where rainwater is taken down to ground level that is important for drainage not the shape or height of the roof, and the heights of other garages in the vicinity are not material factors.

4. The proposed garage would not satisfy maximum height limits and would not therefore be development permitted under Class E. The Council's refusal to grant an LDC for a single storey detached garage at 36 Church Avenue, Beckenham was therefore well-founded and the appeal thus fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector