



Appeal Decision

Site visit made on 15 March 2022 by Thomas Courtney BA(Hons) MA

Decision by A Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2022

Appeal Ref: APP/L5240/D/21/3280355

16 Tenterden Road, Croydon, CR0 6NN

- 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 Yao against the decision of London Borough of Croydon Council.
 - The application Ref 21/01992/GPDO, dated 16 April 2021, was refused by notice dated 21 May 2021.
 - The development proposed is the erection of a single storey rear extension projecting out 5 metres from the rear wall of the original house with a height to the eaves of 2.6 metres and a maximum height of 3.8 metres.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interest of accuracy, the description of development in the header above is based on the Council's decision notice.
4. The application submitted by the appellant was made to determine whether prior approval was required for a single storey rear extension under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The Council utilised the powers under paragraph A.4(3)(a) to refuse the application, as it considered that the proposed development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A.

Main Issue

5. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

6. The appeal site comprises a two-storey, end-of-terrace property located on the corner of Tenterden Road and Pagehurst Road within an established residential area. The appeal property has a tiled roof and small single-storey rear outrigger also finished with roof tiles. The property's façade is white rendered to the rear whilst the side and front elevations are finished with brick.
7. The proposal would feature a single-storey rear extension with one element of the extension's roof finished with tiles and the other with glass reinforced polyester (GRP). Condition A.3(a) of Class A stipulates that *'the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse'*.
8. I concur with the Council insofar as the proposed GRP roof would not be of similar appearance to the materials used in the construction of the exterior of the appeal dwelling. Fibreglass roofs have a grey finish and have the appearance of smooth felt roofing. The appellant contends that the GRP roof would be similar in appearance to other elements of the property, including the windows frames, gutters and downpipes, and the existing conservatory, however I do not find that it would be similar to these elements. Whilst these elements do indeed contain plastic or glass, they are completely different materials to that proposed. The white uPVC used to frame the conservatory and the windows would not resemble grey fibreglass.
9. The appellant referred to the government's Technical Guidance document for permitted development highlighting that it states that the need for materials of similar appearance should not apply to flat roofs as these would not normally have any visual impact. In this case, the portion of roof to be finished with GRP would evidently not be flat and would be visible from the gardens and rear elevations of adjoining properties on Tenterden Road. Therefore, the need for similar materials still applies.
10. Furthermore, the appellant contends that the requirement for materials to match is a condition of any permission granted, not a matter that falls to be assessed as part of the application. Although the regulations do not require an appellant to provide details of materials used, in this case it is very clear from the submission that the appellant proposes to use the materials specified on the plans, and that these would not meet the requirements of the A.3 of the GDPO. As a result, the development as proposed would not be permitted development when assessed against the regulations. I have considered whether it would be appropriate to disregard this detail on the submitted plans, in the knowledge that on construction, to benefit from permitted development rights, the extension would need to be constructed in matching materials. However, I have been provided with no alternative details, or indeed any indication that the appellant intends to construct the roof of the extension in any other material. Therefore, whilst I accept that an alternative roof material may meet the requirements of the Condition A.3(a), based on the information before me, the scheme would clearly fail to do so.
11. Where any adjoining occupier objects to the proposal, the provisions of the GPDO under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the impact of the development on the amenity of any adjoining premises. As an adjoining neighbour objected to the

application, the Council assessed the impact of the proposal and found it acceptable. As I have found that the proposal would not constitute permitted development, I need not consider the impact on the amenity of neighbouring occupants any further.

12. Having regard to all of the above, I conclude that the proposed development would not comply with the stipulations of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed and prior approval should be refused.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A Jordan

INSPECTOR