



Appeal Decision

Site visit made on 26 April 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/G5750/D/21/3278472

194 Kempton Road, East Ham, London E6 2PB

- 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 A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mohamed Kamran against the decision of Council of the London Borough of Newham.
 - The application Ref 21/00696/PREHH, dated 17 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is described in the application form as 'erection of single storey rear extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I was unable to enter the appeal site as the appellant informed me that he had no knowledge of the appeal and therefore intended to submit a written request for the appeal to be withdrawn. Despite a number of requests for written confirmation of the appellant's intentions in this regard, the appeal has not been formally withdrawn. As I was not provided with access to the appeal site, I was unable to inspect the rear of the property. The appellant was advised that if the appeal was not formally withdrawn, it would be determined based on the information submitted. I have assessed the proposal accordingly.
3. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) grant planning permission for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4 of Class A applies to development which would exceed the limits at paragraph A.1(f) but would comply with the limits at paragraph A.1(g).
4. The proposed development is described in the application form as a single storey rear extension, but the existing and proposed plans confirm the full extent of the works proposed would include the demolition of part of a wraparound extension, the construction of a new side wall to allow part of the wraparound extension to be retained, and the erection of a 6 metre deep rear extension.
5. Paragraph A.4 is therefore applicable to the proposed development, and the appellant sought prior approval from the council. Paragraph A.4(3)(a) states the local planning authority may refuse such an application where, in the

opinion of the authority, the proposed development would not comply with the conditions, limitations or restrictions applicable to the development.

6. The council's decision notice states it considered prior approval was required and should be refused because the proposed development would fail to accord with paragraph A.1(ja), which states development is not permitted under Class A if any total enlargement would exceed the limits set out in paragraphs A.1(e) to (j). The council claims the proposed development would adjoin the existing wraparound extension and the total enlargement of the dwelling would therefore exceed the limits set out in paragraphs A.1(e)(ii) and A.1(j)(iii).

Main Issue

7. Taking the above into account, the main issue is whether the proposed development would be permitted by Schedule 2, Part 1, Class A of the GPDO.

Reasons

8. The completion of the proposed 6 metre deep rear extension is entirely reliant on the proposed partial demolition of the existing wraparound extension and the erection of a new side wall to the wraparound extension. This would create a 6 metre deep rear extension with part of its side wall separated by what is annotated as a 0.2 metre gap from the proposed new side wall of the wraparound extension. The proposed rear elevation plan shows the modified pitched roof of the wraparound extension would adjoin the flat roof of the proposed 6 metre deep rear extension. All of those works would comprise one single building operation.
9. Paragraph A.1(ja) clarifies that the total enlargement of a dwellinghouse can be defined as 'the enlarged part together with any existing enlargement of the original dwellinghouse to which it would be joined'. The wraparound extension comprises an existing enlargement of the original dwellinghouse. Notwithstanding the 0.2 metre gap between the proposed new side wall to the wraparound extension and the side wall of the proposed 6 metre deep rear extension, the roof of the proposed 6 metre deep rear extension would be joined to the roof of the wraparound extension.
10. The wraparound extension extends beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. The total enlargement of the dwellinghouse proposed would have a width greater than half the width of the original dwellinghouse. Taking paragraph A.1(ja) into account, the proposal would fail to accord with paragraphs A.1(e)(ii) and A.1(j)(iii). The proposed development would not therefore be permitted by Schedule 2, Part 1, Class A of the GPDO.

Conclusion

11. For the reasons set out above the appeal should be dismissed.

L Douglas

INSPECTOR