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# Appeal Decision

Site visit made on 24 May 2022

**by Chris Forreth BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 June 2022**

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**Appeal Ref: APP/J1535/D/22/3294047**

**3 Linkside, Chigwell, Essex IG7 5DN**

- 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 Class AA of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Peter Kyprianou against the decision of Epping Forest District Council.
  - The application Ref EPF/3077/21, dated 8 November 2021, was refused by notice dated 20 January 2022.
  - The development is a proposed enlargement of a dwellinghouse by construction of additional storey.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of the appeal proposal in the banner header above has been taken from the Councils decision notice as it is more concise than that on the application form. I also note that the appellant has adopted this description on the appeal form. That said, I have treated the development proposed as that shown on the submitted plans.
3. The appellant has suggested that the Council failed to determine the appeal application within a 56 day timescale from when the application was submitted. However, unlike other householder prior approval applications, permission would not be deemed to be granted for a Class AA proposal had the Council failed to determine it within that timescale. Whilst timeliness of planning decisions is important, this is not a factor which has any bearing on the merits of this appeal.

## Main Issue

4. The main issue is whether the proposal is permitted development.

## Reasons

5. The appeal property is a detached two-storey dwelling with a two-storey side extension with a flat roof. The appeal proposal seeks to add an additional storey of accommodation onto the existing property above the main part of the house. This part of the proposal would replicate the design features of the original property and would have a roof form which reflects the existing dwelling. In addition to this, the proposal also includes a hipped roof over the existing two-storey side extension.

6. Class AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) allows the enlargement of a dwellinghouse consisting of the construction of up to two additional storeys where the existing dwellinghouse consists of two or more storeys. It is clear that the extension works over the original dwellinghouse would meet that criterion.
7. However, the appeal proposal also includes a new hipped roof over the existing side extension. Whilst this element has not formed part of the Council's reason for refusal of the application, their Officers report sets out the view that this part of the proposal would not fall within the definition of an 'additional storey' as no accommodation is proposed within this roof space.
8. From the submitted plans, it is clear that this element of the proposal does not provide an 'additional storey' of accommodation. Consequently, this part of the proposal does not fall within the scope of Class AA. In short, for the Class AA permitted development rights to apply, the whole development must accord with the provisions of the GPDO.
9. As a result, when taken as a whole, the development cannot benefit from the permitted development rights given by Class AA and therefore planning permission is required for the entirety of the proposal. Therefore, the appeal must be dismissed.
10. Given the above, it is not necessary for me to consider the prior approval element relating to the external appearance of the dwellinghouse.

### **Other matters**

11. The appellant has also submitted information relating to the personal circumstances of the family. However, given my conclusions above, this is not a factor which I can take into account given that the planning merits of the proposal are not relevant when considering whether a proposal is permitted development or not.

### **Conclusion**

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

*Chris Forrett*

INSPECTOR