



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: 09 JUNE 2022

Appeal Ref: APP/W5780/D/21/3278920

40 Marlborough Drive, ILFORD, IG5 0JW

- 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 Guang Lin against the decision of London Borough of Redbridge.
 - The application Ref 0840/21, dated 26 February 2021, was refused by notice dated 11 May 2021.
 - The development proposed is an upward extension of an additional single storey, maximum height of 2.8 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the appeal proposal 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 their appeal form.

Main Issue

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

Reasons

4. The appeal property is a bungalow which has been previously extended to include two dormer windows as part of the use of the roofspace for living accommodation. These dormer windows are located to the side and rear of the property.
5. The appeal proposal seeks to add an additional floor of accommodation together with further residential accommodation within the new roofspace, including a new dormer window to the rear.
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 one additional storey, where the existing dwellinghouse consists of one storey¹.

¹ References to "storey" does not include any accommodation within the roof of a dwellinghouse, whether comprising part of the original dwellinghouse or created by a subsequent addition or alteration.

7. However, this permitted development right is conditional (amongst other criterion) on the roof pitch of the principal part of the dwellinghouse (following the development) being the same as the roof pitch of the existing dwellinghouse.
8. The GPDO defines the principal part of the dwellinghouse as the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition. In this case, when assessing whether the proposed roof pitch is the same as the existing dwellinghouse, this must exclude the existing dormer windows.
9. Whilst it is clear that the main part of the roof of the proposal is the same pitch as the existing dwelling, it is significant that the appeal proposal also includes a new dormer window. As a result, the proposed dormer would not be consistent with the roof pitch of the existing dwelling when the definition of such in the GPDO specifically excludes such additions when assessing whether the roof pitch of a proposal would be the same as the existing dwellinghouse.
10. Consequently, 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.
11. Given the above, it is not necessary for me to consider the effect of the proposal on the living conditions of the occupiers of 42 Marlborough Drive.

Conclusion

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

Chris Forrett

INSPECTOR