



Appeal Decision

Site visit made on 14 June 2022 by A Coombes

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/Y5420/D/21/3289496

65 Outram Road, LONDON, N22 7AB

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr and Mrs Tamara Feldman against the decision of London Borough of Haringey Council.
 - The application Ref HGY/2021/2929, dated 13 October 2021, was refused by notice dated 24 November 2021.
 - The development proposed is the replacement of existing mono-pitch rear extension with new single storey pitched-roof extension.
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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.

Preliminary Matter

3. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement of a dwellinghouse, subject to limitations and conditions set out. The Council's concerns relate to condition A.4(3)(b), which requires a developer to provide sufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations, or restrictions applicable to development permitted by Class A. The Council's concerns also relate to condition A.1(k)(i), which does not allow for the construction or provision of a verandah, balcony or raised platform. Notwithstanding the concerns that the proposal does not meet the requirements of the GPDO, the Council have also raised concerns about its impact on the living conditions of the neighbouring occupants.

Main Issue

4. Having regard to the above, the main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO, with particular regard to the construction of a raised platform and whether the application included sufficient information.

Reasons for the Recommendation

5. The appeal site is a two-storey traditional terraced property with bay windows. The internal ground level is level with the street to the front of the property. However, a change in land level means that there is a drop at the rear of the property. The proposal seeks permission to replace the existing mono-pitch rear extension with a new single storey pitched-roof extension.

6. Although revised plans have been submitted, which provide some details of the levels, they do not provide full information to confirm the measurements from the external ground level. The Permitted development rights for householders Technical Guidance (TG), issued 2019, defines ground level as “the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking”.
7. On the site visit it was observed that there is a change in land level between the front and rear of the property. As a result, there is a significant drop from the internal floor level and the external ground level in the rear curtilage, which is currently negated by a stepped decking area. Although some information is missing from the plans, it is still clear that a set of steps are proposed. By their nature, steps would create raised platforms. As per Schedule 2, Part 1, Class A.1(k)(i), raised platforms are not permitted development and require planning permission. The GPDO and TG both confirm that a raised platform is any platform with a height greater than 0.3 metres. Therefore, by this definition, the provision of the proposed steps would conflict with this limitation.
8. It is acknowledged that the appellant states that the proposed steps are simply to accommodate the deeper extension. However, they would be newly constructed and meet the definition of a raised platform provided in the GPDO and TG. Whilst I appreciate that the nature of the appeal site would likely require steps to be provided, in considering a proposal all relevant aspects of the GPDO must be applied. The appellant has provided an example of a development at 71 Outram Road that has similar dimensions to the proposed scheme. Whilst it is acknowledged that the schemes are similar in size, their siting differs and the development that is subject to this appeal must be considered on its individual planning merits and its compliance with the GPDO.
9. For the reasons given above, the development would fail to comply with Schedule 2, Part 1, Class A of the GPDO, with particular regard to the inclusion of a raised platform. Given that the proposal would not constitute permitted development, it is not considered necessary to assess the impact of the proposal on neighbouring properties.

Conclusion and Recommendation

10. For the reasons given above the proposal would not conform to the requirements and criteria of Schedule 2, Part 1, Class A of the GPDO. Therefore, having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR