



Appeal Decision

Site visit made on 12 July 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2022

Appeal Ref: APP/W5780/D/21/3276943

32 Kingsley Road, Hainault, Ilford IG6 2LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Chirag Patel against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1496/21, dated 5 April 2021, was refused by notice dated 18 May 2021.
 - The development proposed is single storey rear extension with a depth of 6.00 metres, highest point of 2.95 metres and height at the eaves of 2.95 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

3. The main issue is whether the proposal would comply with Schedule 2, Part 1, Class A of the GPDO.

Reasons

4. The appeal property is a dwelling which has previously been enlarged with a two-storey side and rear extension. The proposed ground floor extension would join this previous enlargement.
5. The GPDO specifies a number of criteria where extensions to the rear of a dwellinghouse would, or would not, be considered to be permitted development.
6. In its decision, the Council states that the proposed extension would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. On that basis, the proposal would exceed the limits of Schedule 2, Part 1, Class A, Section A.1(j) of the GPDO. The appellant has provided no evidence to

demonstrate otherwise. Therefore, on the basis of the evidence before me, the proposal would exceed the limits of Section A.1(j).

7. Furthermore, Section A.1(ja) of the GPDO also sets out that if the total enlargement exceeds the limits of sub-paragraphs (e) to (j) then it will not be permitted development. As defined in the Technical Guidance¹, the 'total enlargement' is the proposed enlargement together with any existing enlargement of the original dwellinghouse to which it will be joined. The proposed extension would join the existing two-storey side/rear extension, and taken together they would project beyond the original wall forming a side elevation and would have a width greater than half the width of the original dwellinghouse, thereby exceeding the limit of Section A.1(j). The total enlargement would also exceed the limit of Section A.1(i) as it would be within 2 metres of the boundary and the eaves would exceed 3 metres. On that basis, the appeal proposal would fail to comply with the relevant limitations of the GPDO and would not represent permitted development.
8. I have had regard to the circumstances of a member of the appellant's family. The appellant also refers to the practical implications of advice in respect of leaving a gap between the proposed extension and the existing extension, as well as advice on separating exits. Furthermore, no objections from third parties have been received to the proposal. However, these are not matters which fall within the remit of my consideration of this appeal relating to the limitations on prior approval as set out in the GPDO.
9. For the reasons given, I conclude that the proposal would not comply with Schedule 2, Part 1, Class A of the GPDO. The appeal should therefore be dismissed.

David Cross

INSPECTOR

¹ Permitted development rights for householders - Technical Guidance, September 2019.