



Appeal Decision

Site visit made on 12 July 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/G5750/W/22/3294288
546-550 Romford Road, London E12 5AF

- 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 20, Class AB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
- The appeal is made by Mr B Kalsi against the decision of London Borough of Newham.
- The application Ref 21/03063/PREAB, dated 28 November 2021, was refused by notice dated 16 February 2022.
- The development proposed is the construction of additional floor to provide new dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building subject to a number of criteria.
3. As outlined in paragraph AB.1(a) development is not permitted by Class AB if the building was constructed before 1st July 1948.
4. As detailed within the GPDO, development under Class AB is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval as to, amongst other things, the transport and highways impacts of the development and the external appearance of the building, including the design and architectural features of the principal elevation.

Main Issues

5. The main issues are;
 - Whether the proposed development satisfies the requirements of the GPDO with regard to being permitted development under the above Order;
 - If so, whether prior approval should be given, having particular regard to the resulting external appearance of the building and the transport and highways impacts of the development.

Reasons

Whether or not permitted development

6. Development is not permitted by Class AB if the building was constructed before 1st July 1948. Despite the application form and the delegated report indicating that the building onto which the extension is proposed was constructed after 1st July 1948, following my site visit, due to its architectural style, form and siting, I had reason to consider that the appeal property was constructed prior to 1st July 1948.
7. The appellant subsequently confirmed that the appeal property was constructed prior to 1948.
8. This being the case, the proposed development is not permitted under Class AB and is not therefore permitted development.

External appearance of the building

9. Since I have concluded that the appeal proposal is not development permitted under Class AB, it is not now necessary to consider this further.

Transport and highways impacts

10. Since I have concluded that the appeal proposal is not development permitted under Class AB, it is not now necessary to consider this further.

Conclusion

11. By virtue of paragraph AB.1(a) the proposal fails to satisfy the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015 with regard to being permitted development under Class AB. The proposal is therefore not permitted development.
12. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

A M Nilsson

INSPECTOR