



## Appeal Decision

Site visit made on 25 July 2022 by Ifeanyi Chukwujekwu BSc MSc MRTPI MIEMA CEnv

### **Decision by Louise Nurser BA (Hons) Dip UP MRTPI**

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

**Decision date: 11<sup>th</sup> August 2022**

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### **Appeal Ref: APP/W5780/D/21/3286875**

### **117 Ashburton Avenue, Seven Kings, Ilford IG3 9EP**

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Suresh Dhanak against the decision of the Council of London Borough of Redridge.
  - The application Ref 3525/21, dated 21 August 2021, was refused by notice dated 28 September 2021.
  - The development proposed is a single storey rear 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 Matters**

3. 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 (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply.

### **Main Issue**

5. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

### **Reasons for the Recommendation**

6. The GPDO as amended states that development is not Permitted Development (PD) where 'any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)'.
7. Regarding the appeal before me, paragraph (j) (iii) which states '*the enlarged part of the dwellinghouse 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*' applies. 'Original dwellinghouse' means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although the current owner may not have built an extension to the house, a previous owner has done so.
8. The Council has provided evidence to demonstrate that the appeal property has previously been extended to its side and rear. The proposed rear extension would extend to a width which would be more than half the width of the original dwelling. As such, it would not comply with the provisions of the GPDO and permission cannot be granted.

### **Other Matters**

9. I am aware of the appellant's unhappiness with the Council regarding the way their application was processed. However, this is not a matter before me.

### **Conclusion and Recommendation**

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

*Louise Nurser*

INSPECTOR