



Appeal Decision

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

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2022

Appeal A Ref: APP/J1535/D/21/3289223

99 Manor Road, Chigwell, IG7 5PN

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Alex Aviram against the decision of Epping Forest District Council.
- The application Ref EPF/2385/21, dated 27 August 2021, was refused by notice dated 28 October 2021.
- The development proposed is upwards extension of a single storey.

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- The appeal is made by Mr Alex Aviram against the decision of Epping Forest District Council.
- The application Ref EPF/2386/21, dated 27 August 2021, was refused by notice dated 28 October 2021.
- The development proposed is upwards extension of a single storey.

Decision

1. Appeal A is dismissed, and Appeal B 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 appeals.

Procedural Matter

3. As set out above, there are two appeals on adjacent sites. The appeal sites contain a pair of semi-detached residential properties, and the appeal proposals relate to an upwards extension to each dwelling. Although the proposed developments are different, there are many similarities between them. On this basis, whilst I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together.

Main Issue

4. The main issue for both appeals is whether the proposals are permitted development.

Reasons for the Recommendation

5. Under Article 3(1) and Schedule 2, Part 1, Class AA 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.
6. The GPDO states that development is not permitted by Class AA where it falls within descriptions as set out in sub-paragraphs AA.1 (a) to (k). It is common ground that the proposals accord with all of the above sub-paragraphs with the exception of sub-paragraph (i) and there is no reason to disagree with that assessment.
7. Sub-paragraph (i) sets out that development is not permitted by Class AA if *'any additional storey is constructed other than on the principal part of the dwellinghouse'*. The GPDO, at paragraph AA4.(1), defines the 'principal part' in relation to a dwellinghouse, as meaning 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.
8. As noted above, the appeal properties themselves are a pair of semi-detached residential properties with a hipped roof. However, each property has a stepping down of the ridge line to the side. It is also noted that the extent of this stepping down differs between the properties with the ridge line of the roof projections being lower at No. 99 than it is at No. 101.
9. In considering what is the principal part of the dwelling, despite the appellants assertions in respect of the roof lines, the stepping down of the ridge lines on both properties indicate to me that the entire width of each property cannot be considered to be the principal part of each dwellinghouse. This view is also consistent with the definition of the principal part set out at paragraph AA4.(1).
10. Whilst I acknowledge the appellants point that the floor levels within the property do not step down, this does not change the fact that the overall height of the side projections are at a lower height than the main part of the hipped roofs.
11. The appellant has also given examples of where upwards extensions are possible on hipped roof dwellings. Whilst the examples given appear to accord with the provisions of the GPDO, significantly, none of these are comparable to the proposals before me.
12. As a result, neither appeal proposal benefits from the permitted development rights given by Class AA and therefore planning permission is required for each proposal as submitted.
13. Given the above, it is not necessary for me to consider the prior approval element relating to the external appearance of the dwellinghouse.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are dismissed.

Chris Forrett

INSPECTOR