



Appeal Decision

Site visit made on 26 July 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/G5750/D/21/3287240
534 Romford Road, London E7 8AF

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr Ravi Rastogi of Ark Property Group Ltd against the decision of the Council of the London Borough of Newham.
 - The application Ref 21/01776/PREHHA, dated 15 July 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the enlargement of a dwellinghouse by construction of one additional storey.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The description of development in the banner heading above is taken from the appeal form; it is the same as that used on the Council's decision notice, and provides a more concise description of the proposal than the original wording on the application form.
3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter "the GPDO") allows for the enlargement of a dwellinghouse by construction of additional storeys, subject to the exclusions and conditions described in Paragraphs AA.1. and AA.2. The Council refused to grant prior approval for the proposed development on the grounds that it did not satisfy the prior approval requirements set out in Paragraphs AA.2.(3)(a)(ii) and AA.2.(3)(b), dealing with external appearance and construction management.
4. However, before considering compliance with the prior approval matters, it is also necessary for me to be satisfied that the proposal would be permitted development in the first place.

Main Issue

5. The main issues are therefore:
 - Whether the proposal would be permitted development in respect of the enlargement of a dwellinghouse by construction of additional storeys; and

- If so, whether or not the proposal would satisfy the detailed prior approval matters set out in Paragraph AA.2. of Schedule 2, Part 1 of the GPDO (with particular regard to the external appearance of the dwellinghouse, and management of construction).

Reasons

Permitted development

6. The appeal relates to a mid-terraced house, in a short terrace of similar properties on the south side of Romford Road from No 530 to No 538. The appellant wishes to construct an additional storey to provide extra bedrooms.
7. Among other things, the restrictions in Paragraph AA.1. of Schedule 2, Part 1 of the GPDO mean that development is not permitted if “the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018” (sub-paragraph c).
8. The appeal property is two storeys in height, with a two-storey gabled front bay, built of rendered brick and with a shallow front garden. The rest of the terrace is similar in form and appearance, although there are minor variations in detailing and No 530, at the corner of Romford Road and Shrewsbury Road has a retail unit on the ground floor and therefore has a slightly different form to the four houses. Nevertheless, the appearance of the terrace as a whole is typical of late Victorian or Edwardian suburban development in London.
9. The appellant stated on the prior approval application form that the appeal property had been constructed between 1 July 1948 and 5 March 2018. The Council did not take issue with that statement but, following my site visit and in the light of the appearance of the building as I have just described, I asked both main parties to provide a short response as to whether or not they considered the appeal property complied with the restriction set out in Paragraph AA.1.(c). In response the appellant provided copies of the HM Land Registry register of title and the Council’s Local Land Charges Register entry (although these did not provide any definitive answer about the age of the building), and commented that:

“We can say that: the property was certainly NOT built AFTER 2016; the property was MOST LIKELY built AFTER 1948.”
10. The Council did not provide a response to my request. However, having regard to the form of the appeal property and its neighbours, and based on my professional experience of housing development in London and elsewhere, my view is that the probability of the dwelling having been built after 1948 is close to zero. Given its appearance, it is likely to date from the late 19th or early 20th century, but in any event well before 1948. Notwithstanding the appellant’s comment, I therefore conclude that the appeal property was constructed before 1 July 1948, and the proposed construction of an additional storey would not be permitted development.

External appearance and management of construction

11. I have found that the proposal would not be development permitted by Schedule 2, Part 1, Class AA of the GPDO. It is not necessary for me to consider the detailed prior approval matters set out in Paragraph AA.2., as this could not change my overall decision.

Conclusion

12. For the reasons given above, I conclude that the proposal would not be permitted development under Schedule 2, Part 1, Class AA of the GPDO. The appeal is therefore dismissed.

M Cryan

Inspector