



Appeal Decision

Site visit made on 4 October 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/B5480/D/22/3292842

80 Jubilee Avenue, Romford RM7 9LT

- 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 appeal is made by Miss Tara Bulled against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0493.21, dated 8 October 2021, was refused by notice dated 30 November 2021.
 - The development proposed is described as "Single storey rear extension with a depth of 2 metres. Combined depth of 6 metres from the original dwellinghouse".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development as provided for by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter "the GPDO").

Reasons

3. Schedule 2, Part 1, Class A of the GPDO permits the enlargement, improvement or other alteration of a dwellinghouse. This is subject to the exclusions and limitations described in Paragraphs A.1. and A.2, and the conditions set out in Paragraphs A.3. and A.4.
4. The appeal property is a two-storey semi-detached house. There is already a part one-, part two-storey extension at the rear, which projects around 4m beyond the rear wall of the original dwellinghouse. The appellant wishes to add a further extension at the rear of the ground floor; this would project 2m beyond the existing extension, giving a total depth beyond the original rear wall of 6m on the ground floor. The application stated that the additional extension would have an eaves height of 2.82m, and a maximum height of 2.92m.
5. The appellant considers that "while the existing is [a] part single and part two storey rear extension, the proposal will project beyond the single storey element and therefore the proposal will fall within permitted development

requirements". However, Paragraph A.1.(ja) of the GPDO states that development is not permitted by Class A if "any total enlargement (being the enlarged part *together with any existing enlargement of the original dwellinghouse to which it will be joined*) [my emphasis] exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)". Page 23 of the technical guidance¹ provides a practical summary of how this is applied:

"For example, if a proposed extension of 3 metres in height is added to an existing extension which exceeds 4 metres in height, or if the proposed extension creates a total enlargement which has a width greater than half the width of the original dwellinghouse, it would not be permitted development."

6. Of particular relevance to this appeal are the limits in A.1.(h), which precludes extensions with more than a single storey and which extend beyond the rear wall of the original dwellinghouse by more than 3m, and A.1.(i), which refers to an enlarged part of the dwellinghouse within 2m of the boundary of the curtilage of the dwellinghouse where the height of the eaves of the enlarged part would exceed 3m.
7. The combined extension would have more than a single storey (albeit only in part) and would extend beyond the rear wall of the original dwellinghouse by more than 3m. It would also be within 2m of the curtilage boundary (adjacent to No 78) with a maximum eaves height (on the two-storey part of the extension) exceeding 3m. Having regard to the limitations in Paragraphs A.1.(i), (h) and (ja), I therefore find that the appeal scheme would not be permitted development.
8. The appellant's statement referred to the provisions of the National Planning Policy Framework which seek to promote the effective and efficient use of land, and to policies of the London Plan 2021 which seek to create successful and sustainable places, including by intensifying the use of land. However, these considerations do not remove the requirement that, in order to be permitted development, a scheme must comply with the limitations and restrictions set out in the relevant part of the GPDO.
9. The appellant also drew my attention to a number of examples nearby where the Council had either granted a Certificate of Lawful Development or concluded that prior approval was not required for single-storey rear extensions. However, there is nothing in the limited information before me which indicates that the facts of those cases are comparable to the scheme before me, and they do not weigh in favour of the appeal proposal.

Conclusion

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

M Cryan

Inspector

¹ *Permitted Development Rights for Householders – technical guidance* – Ministry of Housing, Communities & Local Government 2019