



Appeal Decision

Site visit made on 13 October 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/E5330/D/22/3296753

16 Canberra Road, Greenwich, Charlton SE7 7BA

- 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 Kappo against the decision of Royal Borough of Greenwich.
 - The application Ref 22/0678/PN1, dated 23 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is a single storey rear extension of 5.95m.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 Order), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

4. The main issues in the appeal are:
 - Whether the proposed development satisfies the requirements of the Town & Country (General Permitted Development) (England) Order 2015 with regard to being permitted development under the above Order.
 - If so, whether planning permission is deemed to have been granted.and;
 - If planning permission is not deemed to have been granted, whether the impact of the proposed development on the amenity of any adjoining premises is such as to require refusal of prior approval.

Reasons

Permitted development

5. The appeal property is a two-storey semi-detached dwellinghouse. The property has a brick-built chimney that projects approximately 0.6m from the rear of the property. The Permitted development rights for householders - Technical Guidance (MHCLG 2019) identifies a side elevation will be any wall that cannot be identified as being a front wall or a rear wall. Therefore, this projection, as a matter of fact and degree, forms part of the side elevation of the property.
6. Paragraph A.1(j) of Class A of the Order outlines that development is not permitted by Class A if, amongst other things, 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.
7. In the proposed development, it would extend beyond the projecting chimney, part of which forms a side elevation of the original dwellinghouse. The extension would have a width greater than half the width of the original dwellinghouse.
8. I acknowledge that the projection of the chimney is not hugely substantial and that it does not constitute habitable space as the appellant highlights. These factors, however, do not preclude it from constituting forming a side elevation of the original dwellinghouse.
9. The proposed development is therefore not permitted under Schedule 2, Part 1, Class A of the Order.

Amenity

10. Based on the findings above, it is not now necessary to consider this further.

Other Matters

11. The appellant has referred to two other properties on Canberra Road being granted prior approval for rear extensions. Looking at the evidence, I cannot be certain that the same circumstances were applicable in those cases. Regardless, I have found that the proposed development would not be permitted by the Order.
12. I acknowledge the appellants reasons behind seeking to extend the property. There is, however, no provision in the Order for such matters to be taken into consideration in assessing whether or not the proposed development would constitute permitted development.

Conclusion

13. The proposed development is therefore not permitted under Schedule 2, Part 1, Class A of the Order. For the reasons given above it is concluded that the appeal should be dismissed.

A M Nilsson

INSPECTOR