



Appeal Decision

Site visit made on 2 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/B5480/W/21/3288750

Cheltenham Court, 20 Haydock Close, Hornchurch RM12 6EA

- 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 20, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Raj Mahal against the decision of the Council of the London Borough of Havering.
 - The application Ref J0011.21, dated 23 March 2021, was refused by notice dated 11 June 2021.
 - The development proposed is Prior Approval Application for the addition of one storey to existing 3-storey block of flats to create an additional 3 x 1-bed flats and conversion from pitched roof to flat roof form.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is some variation in the appellant's name as given on the application and appeal forms. I have taken the appellant's name from the application form as the right of appeal rests with the original applicant. I have also taken the site address from the application form as this accurately reflects the location of the site. The description of the development provided on the application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to be suitably more concise and I have therefore used it within this decision. I have also dealt with another appeal¹ on this site. That appeal is the subject of a separate decision.

Main Issues

3. The main issue is whether the proposal would constitute permitted development under Schedule 2, Part 20, Class A of the GPDO.

Reasons

Whether Permitted Development

4. Schedule 2, Part 20, Class A of the GPDO permits development consisting of works for the construction of up to two additional storeys of new

¹ Appeal Ref: APP/B5480/W/21/3287483

- dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.
5. However, this is subject to the limitations of paragraph A.1. This includes paragraph A.1(b) which sets out that "*Development is not permitted by Class A if... above ground level, the building is less than 3 storeys in height*".
 6. The appeal proposal is described as relating to a 3-storey block of flats. However, the Council's delegated officer report questions this and states that the building would be better described as 2 storey with accommodation in the roof. Based on the submitted plans and my own observations, although the building has 3 floors, the uppermost floor consists of accommodation in the roof served by dormer windows.
 7. In this respect, I have had regard to Paragraph C of Part 20 which relates to the interpretation of Part 20. Paragraph C(2)(b) states that "*in Part 20 references to a 'storey' do not include... any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration*". Although this goes on to define references to an 'additional storey', the wording of paragraph C(2)(b) is clear that it relates to any reference to a storey in Part 20, and not solely the consideration of additional storeys.
 8. Therefore, based on what I have seen and read, the uppermost floor would not represent a 'storey' within the terms of Part 20. This reflects the appellant's Grounds of Appeal, which refers to paragraph C(2) at various points. This includes the statement that "*...the accommodation being within the roof, this area is disregarded ...*", although this was in the context of whether the proposal would involve the construction of one additional storey with a further storey allowed above.
 9. Nevertheless, it is clear that the uppermost floor of the building consists of accommodation within the roof of the building, and that this does not represent a 'storey' within the terms of Part 20. The proposal therefore relates to a 2 storey building and would not meet the limitation of paragraph A.1(b) which states that development is not permitted by Class A if above ground level, the building is less than 3 storeys in height.
 10. Although the height of the building is not referred to in the Council's reason for refusal, this issue has been raised in the Council's officer report. This requirement is also explicitly set out in Part 20 of the GPDO. The appellant has therefore had sufficient opportunity to address this matter.
 11. In its reason for refusal, the Council contends that the proposal fails to constitute permitted development under Class A because the scope of development proposed includes the redevelopment of the existing second floor level which is not classified as permitted development. However, given my conclusions on the height of the existing building, I do not need to consider this matter further as it would not change the outcome of the appeal.
 12. I conclude that the proposal would not constitute permitted development under Schedule 2, Part 20, Class A of the GPDO. For the reasons given, the appeal should be dismissed.

David Cross INSPECTOR