



Appeal Decision

Site visit made on 25 October 2022 by Darren Ellis MPlan

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2022

Appeal Ref: APP/Z5060/D/22/3294383

260 Hedgemans Road, Dagenham RM9 6DA

- 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 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 Rimatas Grabliauskas against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 21/02308/PRICAS, dated 29 December 2021, was refused by notice dated 7 February 2022.
 - The development proposed is additional storey to existing house.
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Decision

1. The appeal 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 appeal.

Preliminary Matters

3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse comprises two or more storeys, together with any reasonably necessary engineering operations.
 4. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the local planning authority. Where development would not comply with the limitations set out within paragraph AA.1 it falls outside the scope of the permitted development regime and does not benefit from the planning permission granted by virtue of Article 3(1) of the GPDO. In this case the Council considered that the proposal would fail to comply with the limitations set out at paragraph AA.1(c) but, nonetheless, went on to consider whether to grant prior approval for the matters set out at paragraph AA.2 3(a).
 5. However, if a proposal fails to meet the limitations of paragraph AA.1 it is not necessary or appropriate to consider whether prior approval should be granted for the matters set out at paragraph AA.2 3(a) because such prior approval can
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only be granted for development that falls within the scope of the permitted development regime. Consequently, within my report, I shall consider whether the proposal would conform to the limitations set out in paragraph AA.1 in the first instance and, only if that is the case, I shall consider whether to grant prior approval having regard to the matters at paragraph AA.2(3)(a).

6. The GPDO sets out that National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Main Issues

7. The main issues are:

- Whether the proposal complies with the requirements of paragraph AA.1.(c) with regards to whether the dwellinghouse was constructed before 1st July 1948 and, if the appeal succeeds in that respect;
- Whether prior approval should be granted having regard to the impact on the amenity of any adjoining premises and the external appearance of the dwellinghouse.

Reasons for the Recommendation

8. Paragraph AA.1.(c) of the GPDO states that development is not permitted by Class AA if the dwellinghouse was constructed before 1st July 1948.
9. The appeal property forms part of the Becontree Estate. Council records indicate that the Estate was built between 1921 and 1934 and was substantially completed in 1935. Judging by its external appearance the dwelling has the characteristics of a property within an inter-war housing estate and no evidence has been submitted to show that the appeal property was built after 1st July 1948. It has therefore not been demonstrated that the proposal satisfies paragraph AA.1.(c).
10. As such the proposal does not meet the terms of Class AA and therefore does not amount to permitted development. As such, it is not necessary or appropriate to consider whether to grant prior approval in respect of the siting or appearance.

Conclusion and Recommendation

11. It has not been demonstrated that the proposal satisfies paragraph AA.1.(c) and, accordingly, the development falls outside the scope of development permitted through the GPDO. I therefore recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR