



Appeal Decision

Site visit made on 20 December 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/W5780/W/22/3298878

Falcon House, 31 Quebec Road, Ilford IG1 4TT

- 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 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr H Sandhu against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4316/21, dated 25 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is 'upward extension of 2 additional storeys on detached block of flats to provide 4 new flats (4x one bedroom flats)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. I have taken the description of development in the banner heading above from the Council's decision notice as this is a more accurate and succinct description than the description of proposed works, impacts and risks originally entered at part 5 of the application form. I am satisfied that the revised description would not prejudice the parties involved, and I have considered the appeal accordingly.
3. Class A of Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') contains a permitted development right for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats. This right is subject to limitations which are specified at paragraph A.1, and conditions which are set out at paragraph A.2. Having assessed the proposal, the Council considered that it would be contrary to the limitation at A.1(b).

Main Issue

4. The main issue is whether or not the proposal would be permitted development under Schedule 2, Part 20, Class A of the GPDO having regard to the number of storeys above ground level to the existing building.

Reasons

5. The appeal relates to a detached building which is occupied as flats. From Quebec Road, the building appears as two-storey with further accommodation above within the roof. However, it sits over a lower-ground floor level. This

lower-ground level includes a central projection that extends deeper to the rear than the ground and first floor levels of the building and which sits partially above the height of the adjacent land levels to the rear of the building.

6. The limitation at A.1(b) of Part 20, Class A sets out that development is not permitted by Class A if 'above ground level, the building is less than 3 storeys in height'. In this regard, the interpretation at Part 20, Paragraph C(2) states that 'in Part 20, references to a "storey" do not include (a) any storey below ground level, or (b) any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration'.
7. The appeal building has accommodation over four levels, comprising the lower-ground floor, ground floor, first floor and roof levels. However, it is clear applying Part 20, Paragraph C(2)(b) that the accommodation within the roof level would not be considered a storey for the purposes of Part 20, Class A.
8. The lower-ground floor level of the building is more readily apparent from the rear of the site given that land levels fall generally away from Quebec Road. Nevertheless, the lower-ground floor is still partially below the level of the ground immediately adjacent to the rear of the building, as illustrated by the steps which I observed leading down from the garden to the patio doors of dwellings here. Even when considered relative to the ground to the rear of the building, I am not therefore persuaded that the lower-ground floor could reasonably be described as 'above ground level'.
9. Moreover, Article 2(2) of the GPDO sets out that 'unless the context otherwise requires, any reference in the Order to the height of a building is to be construed as a reference to its height when measured from ground level'. It goes on to explain that where the level of the surface of the ground on which the building in question is situated is not uniform, the meaning of "ground level" is the level of the highest part of the surface of the ground adjacent to it.' Since the lower-ground floor is below the level of the surface of the ground adjacent to the front of the appeal building, it would not comprise part of the height of the building above ground level under the terms of Article 2(2) of the GPDO.
10. Having regard to these factors and applying Article 2(2) and Part 20, Paragraph C(2) of the GPDO, I find that the building comprises two storeys above ground level. Accordingly, the proposal would conflict with the limitation at A.1(b), and I conclude that it would not be permitted development under Schedule 2, Part 20, Class A of the GPDO.

Other Matters

11. In its report on the application, the Council raised concerns in relation to the prior approval matter at A.2(1)(g) which refers to impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light although this was not given as a reason for refusal of the application. A range of further concerns have also been raised by interested parties. In light of my conclusion above though, it is not necessary for me to go on to consider these matters further since it could not alter the outcome of the appeal.

Conclusion

12. For the reasons given above, I find that the proposal would not be permitted development under the requirements of Schedule 2, Part 20, Class A of the GPDO. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR