



Appeal Decision

Site visit made on 13 January 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/E5330/W/22/3307590

166 Sidcup Road, Eltham SE12 9AJ

- 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 Mr Michal Stefanow against the decision of Royal Borough of Greenwich.
 - The application Ref 22/2662/PN1, dated 8 August 2022, was refused by notice dated 15 September 2022.
 - The development proposed is described as a simple, basic, straightforward, typical, common, regular extension - adding additional 4.5m to the length of the property.
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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.
4. Paragraph A.4(7) to Part 1 states that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

Main Issues

5. The main issues in the appeal are:
 - Whether the proposed development satisfies the requirements of the Town and 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

6. The appeal property is a two-storey terraced dwellinghouse. It is agreed that the proposed development would extend no more than 6m from the rear wall of the original dwellinghouse. As such the projection of the extension would exceed the relevant limitation set out in paragraph A.1(f) but is within that allowed by paragraph A.1(g) to Part 1, subject to receiving notification from the local planning authority that prior approval is, or is not required, and whether such approval is granted or refused.
7. Paragraph A.4(2) sets out the information that the developer must provide to the local planning authority. This includes a written description of the proposed development including how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse; the maximum height of the enlarged part of the dwellinghouse and the height of the eaves of the enlarged part of the dwellinghouse. These details were provided by the appellant, including plans showing the proposed development.
8. Paragraph A.4(3) outlines that the local planning authority may refuse an application where, in the opinion of the authority, amongst other things, the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable.
9. The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established.
10. Although the description of development on the Council's Decision Notice and as also set out in the original application form states the proposed development would project 4.5m from the rear of the dwelling when measured externally, the submitted plan shows an inconsistency whereby the internal projection is 4.5m. No external measurement is provided on the plan and furthermore, as the plan is not to scale, I cannot be certain what the level of discrepancy is, and therefore what the external measurement on the plan and thus of the development, would actually be.
11. Additionally, the Council highlight that part of the development appears to cross the boundary of the application site. It may be that this again is a discrepancy in the submitted details, however it also demonstrates a level of ambiguity that does not provide the necessary certainty that the development would be contained within the curtilage of the property, which is a requirement of Schedule 2, Part 1 of the Order.

12. I acknowledge that the discrepancies appear to be minor, and I understand that the appellant may be frustrated that these matters were not drawn to their attention or resolved during the application. It is possible that rectifying the discrepancies may satisfy the requirements of the Order and the development be proceedable on that basis.
13. The appellant has therefore provided inconsistent and insufficient information to enable me to establish whether the proposed development complies with the requirements and limitations as set out in the Order.

Amenity

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

Other Matters

15. The appellant has referred to the procedure to acquire plans for the application. This is not however a material planning consideration and has no bearing on the merits of the appeal.

Conclusion

16. From the evidence before me, I am unable to be certain that the proposed development would constitute permitted development.
17. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

A M Nilsson

INSPECTOR