



Appeal Decision

Site visit made on 4 April 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/P5870/D/22/3306761

70 Higher Drive, Sutton, Banstead SM7 1PQ

- 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 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 & Mrs Lucas against the decision of London Borough of Sutton.
 - The application Ref DM2022/00982, dated 25 May 2022, was refused by notice dated 1 July 2022.
 - The development proposed is single storey rear extension.
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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 (GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. At my site visit I noted that construction works related to the appeal proposal had been carried out. The appellant suggests that the part of the extension which has been constructed has, in fact, been the subject of a separate Prior Approval application.

Main Issue

4. The main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. Paragraph A.4 (10) of Schedule 2, Part 1, Class A of the GPDO sets out the following:

The development must not begin before the occurrence of one of the following—

(a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

(b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

6. On my site visit I observed that the construction of the extension applied for under this prior approval application had commenced, prior to the occurrence of one of the scenarios outline in the paragraph above.
7. I have had regard to the appellant's argument that the 8 metre rear extension which has been constructed was the subject of a separate prior approval application. As such, the appellant suggests that this appeal should only relate to the smaller area of additional extension, which would adjoin the room annotated as an office on the submitted drawings. However, I must determine the appeal on the basis of the submitted drawings. These clearly show that the proposed development includes both the 8 metre rear extension which has been constructed as well as the additional area of extension adjacent to this. Consequently, the development applied for under this prior approval has already commenced.
8. For the above reason, I conclude that the extension would not accord with limitation A.4 (10) of Class A. Consequently, the proposal would not comply with the conditions, limitations, and restrictions applicable to development permitted under Part 1, Class A, Schedule 2 of the GPDO. Therefore, the development does not constitute permitted development under Class A.
9. As I have reached this conclusion, it is not necessary for me to consider whether the proposed development would be acceptable with regards to the other criteria and limitations of Class A.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

B Pattison

INSPECTOR