



Appeal Decision

Site visit made on 23 May 2023

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

an Inspector appointed by the Secretary of State

Decision date: 15 JUNE 2023

Appeal Ref: APP/E5330/D/22/3298619

110 Woolacombe Road, London SE3 8QL

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Oyinlola Awoyemi against the decision of Royal Borough of Greenwich.
 - The application Ref 22/0089/PN1, dated 30 December 2021, was refused by notice dated 22 February 2022.
 - The development proposed is described on the application form as “the erection of a single-storey rear extension with dimensions of 6m (length), 3m (total maximum height) and 3m with roof light and bi-folding doors”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant’s Grounds of Appeal refer to a letter in support of the proposal submitted as an appendix, although this was not received with the appeal documents. The appellant was given the opportunity to provide this letter, although the only document received by the given deadline was a further copy of the Grounds of Appeal. I have therefore proceeded to determine this appeal on the basis of the evidence before me.

Main Issues

3. The main issues in this appeal are whether the proposal would comply with Schedule 2, Part 1, Class A of the GPDO with regard to:
 - would the proposal extend beyond a wall forming a side elevation of the original dwellinghouse; and
 - whether sufficient information has been provided to enable the local planning authority to establish whether the proposal meets the conditions, limitations or restrictions applicable to development permitted by Class A.

Reasons

Side Elevation

4. The appeal property is a semi-detached dwelling with a single storey offshoot and bay windows located to the rear.

5. Schedule 2, Part 1, Class A, paragraph A.1(j)(iii) of the GPDO sets out that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.
6. Despite the location of the offshoot to the rear and set away from the side boundaries, it includes side walls due to its projection beyond the rear elevation. There are offshoots of a similar design and layout on nearby dwellings, and the offshoot therefore appears to be part of the original dwellinghouse.
7. The proposal would therefore extend beyond a wall forming a side elevation of the original dwellinghouse and would also have a width greater than half the width of the original dwellinghouse. Consequently, the proposal would fail to comply with Schedule 2, Part 1, Class A, paragraph A.1(j)(iii) of the GPDO.

Sufficient Information

8. The description of the development given on the application form states that the proposal has a total maximum height of 3m. However, the submitted plans specify that a parapet wall on either side of the extension would be 3.193m.
9. Paragraph A.1(g) sets out that development is not permitted by Class A if it exceeds 4m in height. The Council accepts that the proposal would be less than 4m high, but it refers to inconsistencies in the submitted details regarding the height of the proposal. Nevertheless, it is clear that the proposal would meet the limitation of paragraph A.1(g) as it would not exceed 4m in height.
10. However, paragraph A.4.(2)(a)(ii) sets out that the developer must provide the local planning authority with a written description of the proposed development including the maximum height of the enlarged part of the dwellinghouse amongst other things. The written description does not comply with this condition, as the maximum height stated is less than that shown on the submitted plans. Although the difference in height may be limited, it is a matter of fact that the written description is incorrect.
11. I am also mindful that it is the written description which is referred to in the notification of adjoining occupiers.
12. Due to the inconsistency between the written description and the submitted plans, I conclude that insufficient information has been provided to establish that the development complies with the conditions, limitations or restrictions applicable to development permitted by Class A. More specifically, the proposal would not comply with the condition of paragraph A.4.(2)(a)(ii) regarding the written description of the proposed development including the maximum height.

Other Matters

13. The appellant has referred to a number of considerations in their grounds of appeal, such as the design of the proposal and the character of the dwelling and the wider area, including other extensions. However, this does not lead me to a different conclusion in respect of the provisions of the GPDO.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR