



Appeal Decision

Site visit made on 7 September 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2023

Appeal Ref: APP/B5480/W/22/3311485

8 Edmund Road, Havering, Rainham RM13 8LS

- 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 Miss Chrissy Wallis against the decision of the Council of the London Borough of Havering.
 - The application Ref Y0340.22, dated 28 October 2022, was refused by notice dated 18 November 2022.
 - The development proposed is single storey rear extension with lean to roof at a pitch to match the adjoining property. External walls to be rendered to match existing house.
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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 GPDO), 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. The application was refused by the local planning authority at the validation stage and no consultation letters were sent. The decision notice provides a single reason for refusal on the basis that the application provided insufficient neighbouring addresses to meet the requirements of paragraph A.4(2)(c) of the GPDO. The appellant disputes this.
5. Subsequently, the local planning authority's statement of case refers to the development having already commenced. The property included a rear extension of similar appearance to that proposed at the time of my visit. The appellant has confirmed that the development for which the appeal was originally submitted has now been completed.

Main Issue

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

Reasons

7. Paragraph A.4(10) of the GPDO sets out that development subject to an application for prior approval must not begin before the occurrence of one of 3 instances – none of which have occurred in this case.
8. Because the development to which the appeal relates has now been completed, it follows that the scheme before me does not meet the criteria necessary to be deemed permitted development under the terms of the GPDO. In these circumstances, there is no need to consider the matter in dispute outlined in paragraph 4 above, and I have no alternative other than to dismiss the appeal.

Conclusion

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

P Storey

INSPECTOR