



Appeal Decision

Site visit made on 7 November 2023 by N Unwin BSc (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2023

Appeal Ref: APP/C5690/D/23/3323025

79 Longhill Road, Lewisham, London SE6 1UB

- 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 Ghulam Sarwar against the decision of the Council of the London Borough of Lewisham.
 - The application ref DC/23/130147, dated 2 February 2023, was refused by notice dated 15 March 2023.
 - The development proposed is described as a single storey rear extension extending 6m from existing rear wall. Double Pitched roof of eaves height no more than 3m and maximum height 4m.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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) for development described as a single storey rear extension extending 6m from existing rear wall. Double Pitched roof of eaves height no more than 3m and maximum height 4m at 79 Longhill Road, Lewisham, London SE6 1UB in accordance with the application ref. DC/23/130147, made on 2 February 2023, and the details submitted with it (including plans ref. 2023_01_SE6_SAR A100, 2023_01_SE6_SAR A101, 2023_01_SE6_SAR A102, and 2023_01_SE6_SAR A103), pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. 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. 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 with the conditions, limitations or restrictions that are applicable to such permitted development.

4. The plans depict a rear box dormer. One of similar proportions was present at my site visit. For clarity, it does not form part of the original application or subsequent appeal. In any case, such alterations to roofs are not permitted by the part and class of the GPDO under consideration here. The assessment in the appeal relates exclusively to that of the above description of development.

Main Issue

5. Whether the proposal complies with size limits set out within Article 3(1) and Schedule 2, Part 1, Class A.1 of the GPDO.

Reasons for the Recommendation

6. A.1(g) of the aforementioned legislation restricts the extension beyond a rear wall to a maximum of six metres for dwellings that are not detached and to a maximum height of four metres. A.1(i) limits the eaves height to a maximum three metres for enlargements within two metres of the boundary of the curtilage of the dwellinghouse.
7. The description of development and the submitted plans, as confirmed within the Council's delegated report, comply with the above criteria of the GPDO. The description of development does not define a specific ridge and eaves height for the proposal, saying that these would be a maximum of four metres and no more than three metres respectively. As the proposed eaves and ridge heights within the submitted plans are below that stipulated within the description of development, there is no conflict or inconsistency between them in this respect.
8. With the above in mind, the ridge and eaves heights of the proposal would not exceed four and three metres respectively and thus would comply with the description of permitted development as defined by the above part and class of the GPDO. As no objections were received from the owner or occupier of any adjoining premises, prior approval is not required.

Conditions

9. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application. I have specified these above for clarity. Whilst the submitted plans include a dormer, this element cannot be granted prior approval under Class A of the aforementioned legislation as I have explained. As such, no further conditions are necessary in relation to this element.

Conclusion and Recommendation

10. For the reasons given above, the scheme would comply with the description of permitted development set out by the relevant provisions of the aforementioned legislation. The appeal should therefore be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal in the circumstances set out above.

John Morrison

INSPECTOR