



Appeal Decision

Site visit made on 17 November 2023

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Appeal Ref: APP/W5780/W/23/3317974

Regency Court, 89-111 High Road, London E18 2JT

- 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 20, Class A, Paragraph A.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Spencer Rose (Palmhurst Pelham Residential LLP) against the decision of the London Borough of Redbridge.
 - The application Ref 3913/22, dated 1 December 2022, was refused by notice dated 27 January 2023.
 - The development proposed is an upward extension of an additional single storey on an existing 4-storey detached block of flats consisting of 4 x 1 bed flats.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for new dwellinghouses on detached blocks of flats subject to limitations and conditions.
 3. Where an application is made for a determination as to whether prior approval is required for development, paragraph B(3) provides that the local planning authority may refuse the application where it considers the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
 4. Paragraph A.2(1) requires the developer to apply to the local planning authority for prior approval as to, amongst other things, the external appearance of the building.
 5. Accordingly, the main issues in this appeal are whether the proposed development would be granted planning permission by Article 3 (1) and Schedule 2, Part 20, Class A of the GPDO with specific regard as to whether:
 - i. the floor to ceiling height of any additional storey, measured internally, would exceed the lower of (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building.
 6. If it would be granted planning permission, I would then consider whether the external appearance of the building would be acceptable.
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Reasons

7. There are no drawings before me that detail the floor to ceiling height of the additional storeys proposed. Therefore, whilst the application form states compliance with criteria (e) and the planning statement sets out the internal floor to ceiling heights of the new flats are 2.5m which is the same as the existing flats on the floors below, there are no plans to demonstrate this.
8. Therefore, I cannot be certain that the proposal would comply with the limitations in Paragraph A.1, specifically A.1 (e).
9. Consequently, the proposed development would not be granted planning permission by Article 3 (1) and Schedule 2, Part 20, Class A of the GPDO. Given this, there is no requirement to consider the external appearance.

Conclusion

10. For these reasons, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR