



Appeal Decision

Site visit made on 7 March 2024 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: 24 April 2024

Appeal Ref: APP/E5330/D/24/3336895

166 Eltham Palace Road, Eltham, Greenwich SE9 5LZ

- 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 Iurii Cernega against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/3101/PN1, dated 20 September 2023, was refused by notice dated 30 October 2023.
 - The development proposed is described as the erection of single storey rear extension 6.0m deep with pitched roof and Velux roof lights.
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Decision

1. The appeal is allowed and prior approval is deemed to be 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) (GPDO) for development described as a 'the erection of single storey rear extension 6.0m deep with pitched roof and Velux roof lights' at 166 Eltham Palace Road, Greenwich, Eltham SE9 5LZ in accordance with the application ref. 23/3101/PN1, made on 20 September 2023, and the details submitted with it (including plans ref. 166EPR/23 701 and 166EPR/23 201), 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 and Main Issue

3. The plans show new soil and vent pipes to the side of the property. For clarity, these do not form part of the original application or subsequent appeal. The assessment in the appeal relates exclusively to that of the above description.
4. Planning permission is granted under the above mentioned legislation for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4(3) provides that the application may be refused where the proposed development does not comply therewith. Development is not permitted if, amongst other things, 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. This forms the main issue of the appeal, in the context of the permissible size limits set out by Article 3(1) and Schedule 2, Part 1, Class A.1.

Reasons for the Recommendation

5. The Permitted Development Rights for Householders: Technical Guidance 2019 clarifies that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or rear wall. The accompanying image illustrates a stepped elevation with a scheme adjoining a side elevation and extending beyond it. It follows therefore that for a proposal to extend beyond a wall forming the side elevation, it must relate to the aforementioned wall and extend beyond it. As with APP/B9506/X/15/3022061 submitted by the Council, which refers to a dwelling with an originally stepped rear elevation and a rear extension extending beyond the line of the original side walls.
6. The appeal property has a front gable protruding beyond the front door. The rear elevation building line is linear with a small adjoining garage set further forward. The proposed rear extension would be almost the same width as the existing linear rear elevation, projecting into the garden. Whilst the front gable forms a side elevation for the purposes of the legislation, the proposal, being an extension to the rear elevation, does not relate to this and cannot therefore extend beyond it. As such, the proposal 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

7. 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 the development to be carried out in accordance with the details and plans submitted. No further conditions are necessary.

Conclusion and Recommendation

8. 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

9. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal.

John Morrison

INSPECTOR