



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: 26th April 2024

Appeal Ref: APP/E5330/D/23/3333154

136 Brownspring Drive, Eltham, Greenwich SE9 3LD

- 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 Sergiu Ribintev against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/3008/PN1, dated 15 September 2023, was refused by notice dated 27 October 2023.
 - The development proposed is described as a ground floor rear extension with flat roof, extending 6m and max height at eaves 3m.
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Decision

1. The appeal is dismissed.

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.

Procedural Matters

3. The plans depict the removal of a window from the side elevation of the property. This does not form part of the original application or subsequent appeal, which relates exclusively to the description above.
4. 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), planning permission is granted for the enlargement of a dwellinghouse subject to conditions, limitations and restrictions. 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 an application may be refused where the proposed development does not comply with the conditions, limitations or restrictions that are applicable.
5. Paragraph A.4(2) requires certain information be provided before (my emphasis) development begins. This is a condition of an application seeking whether prior approval is required for development to take place under Class A's larger extension allowances. At the time of my site visit, works for the proposed development had begun. This consisted of foundations having been dug and partially laid. With this in mind, the appeal scheme cannot be

considered under the prior approval regime, immaterial of whether or not it 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. This would, had the proposed development been able to be considered under Class A allowances, have been the main issue of the appeal, drawn from the reasons the Council issued a refusal in the first instance. Given the above circumstances, I do not need to consider this matter further.

Conclusion and Recommendation

6. For the reasons above, and considering development has commenced, the only outcome is for me to recommend dismissal of the appeal.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

7. I have considered all the submitted evidence and my representative's report and, on that basis, I dismiss the appeal.

John Morrison

INSPECTOR