



Appeal Decision

Site visit made on 8 March 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI MIEMA CEnv

Decision by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/W5780/D/23/3331730

23 Burden Way, Wanstead, Redbridge, London E11 3RY

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Rafia Munni against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2288/23, dated 17 July 2023, was refused by notice dated 22 September 2023.
 - The development proposed is upward extension of an additional single storey, maximum height of 2.5 metres.
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Decision

1. The appeal is allowed, and prior approval is given under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the upward extension of an additional single storey, maximum height of 2.5 metres at 23 Burden Way, Wanstead, Redbridge, London E11 3RY in accordance with the terms of the application, Ref 2288/23, dated 17 July 2023, and the plans submitted with it.

Procedural Matters

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.
3. The appeal proposal was described on the application form as a '*2nd floor addition*'. However, I note that the Council, and the appellant on their appeal form, have described the proposal as an '*upward extension of an additional single storey, maximum height of 2.5 metres*'. Given the proposal before me, and for consistency, I have utilised the latter description.
4. Under Article 3(1) and Class AA of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), a development consisting of the enlargement of a dwellinghouse by the construction of an additional storey is permitted development, subject to various specified exceptions and conditions. One of these requires the developer to apply for prior approval of certain matters.

5. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis. Since the application was determined, a revised Framework was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issue

6. The main issue is whether prior approval should be granted under class AA of Part 1 of Schedule 2 of the GPDO, having particular regard to the external appearance of the dwellinghouse.

Reasons for the Recommendation

7. The surrounding area is made up of blocks of terrace dwellings and terraced three storey flats. Some of the dwellings have rear dormers with roof lights at the front. These include nos. 17 and 21 Burden Way which are part of the same terrace block as the appeal property.
8. The proposal would create an additional floor of accommodation which would be constructed in similar materials, it would not have a window in any wall or roof slope forming a side elevation and the roof pitch of the principal part would be the same as the existing.
9. Paragraph AA.2(3)(a)(ii) of Class AA refers to the external appearance of the dwellinghouse. However, the CAB Housing Ltd judgment¹ confirmed that the control of the external appearance of the dwelling house is not limited to the impact on the subject property itself, but also includes the impact on neighbouring premises and the locality.
10. In my view, the development of an additional storey, with its resultant increase in overall height and bulk, would not be excessive and as such it would not appear as an incongruous feature upon the property or within the surrounding area. I am also conscious of a similar development I observed at my site visit at 6 Burden Way which has been recently constructed following its approval by the Council.
11. Furthermore, in considering the design and architectural features of the proposal it is noted that the proposed roof would replicate the features of the existing terrace, which is a requirement of development under Class AA, as well as the prevailing roof form of the surrounding area.
12. Taking all of these factors into consideration, I consider that the proposal would be acceptable in terms of its external appearance and would complement the character and appearance of the surrounding area. The proposal would also accord with Policy D3 of the London Plan (2021) and Policies LP26 and LP30 of the Redbridge Local Plan 2015 – 2030 (2018) which amongst other matters ensures that new development complements the character of the building, particularly in terms of scale, style, form and materials.

¹ CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)

Conditions

13. In order for the proposal to benefit from the permitted development rights set out in the GPDO, all of the standard conditions set out at paragraphs AA.2 (2) and AA.2 (3)(b)-(e) must be complied with. The Council have not suggested any other conditions and I have no reason to conclude that other conditions are necessary.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, and prior approval should be granted.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is allowed.

Chris Forrett

INSPECTOR.