



Appeal Decision

Site visit made on 19 August 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2024

Appeal Ref: APP/L5240/D/24/3340850

147 Ross Road, South Norwood, Croydon, London SE25 6TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required 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 appeal is made by Harvey Mistry and Agata Tymon against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00243/GPDO.
 - The development proposed is the erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made in the names set out in the banner heading above. One differs from the application form as the appellants have confirmed that this form did not allow two different people's names to be correctly entered.
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) (GPDO), planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in Part 1, Class A, paragraph A.1(f) but is allowed by paragraph A.1(g), paragraph A.4(3) states that the local planning authority (LPA) may refuse the application where it considers that the developer has provided insufficient information to enable it to establish whether the proposed development complies with the conditions, limitations or restrictions applicable to such permitted development.
5. Paragraph A.4(7) states that where any adjoining owner or occupier objects to the proposed development, the prior approval of the LPA is required in relation to its impact on the amenity of adjoining premises. A neighbouring occupier objected to the proposed scheme in this case.

Main Issue

6. The Council refused the application as it was not satisfied that the proposal would meet the limitations relating to the extent of excavation and the provision of a balcony, and as such was unable to fully assess its impact on

adjacent neighbours. This relates to whether the proposal would be the enlargement of a dwellinghouse under class A and whether it would meet the limitations at paragraphs A.1(g), (i) and (k).

7. Therefore, the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO. If the proposal is permitted development, I would then assess its impact on the amenity of adjoining premises, taking into account the representations received under paragraph A.4(7).

Reasons

8. Under paragraph A.1(g)(ii), development is not permitted by Class A if the enlarged part of the dwellinghouse would have a single storey and exceed 4 metres in height. Under paragraph A.1(i), development is not permitted by Class A if the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.
9. The appeal site lies on a steep slope, so the rear ground floor level is much higher than the back garden. There is an existing ground floor balcony surrounded by railings with stairs leading down to a lower patio at lower ground floor level and another stairway down to the garden. From the outside, the lower ground floor height is significantly lower than the other floor heights.
10. The proposed lower ground extension would project 6 metres and it is acknowledged that some excavation would be necessary to accommodate it. The proposed rear elevation indicates that the building would be 3 metres high, but no side elevations or sections have been submitted. Due to the steeply sloping topography and the extent of the projection, in the absence of this information I cannot be certain that the extension would not exceed the heights above adjacent ground level limited under paragraphs A.1(g)(ii) and A.1(i).
11. I acknowledge that some structural and excavation works are naturally required for extensions to dwellings. The appellants consider that the proposal is for above ground space not involving engineering operations. The appellants' statement includes some indicative information on levels, but no detailed side elevations and sections have been provided. Given the ground levels, significant excavation would be required to accommodate the proposed accommodation and there is insufficient information to assess whether the extent of this would be engineering operations which go beyond the enlargement of a dwellinghouse permitted by Class A.
12. Under paragraph A.1(k), development is not permitted by Class A if it would consist of or include the construction or provision of a verandah, balcony or raised platform.
13. The existing and proposed ground floor plans state that the existing rear balcony and railings outside the kitchen would be retained as existing, and that these do not form part of the proposed works. The proposed ground floor plan also shows that the flat roof would be inaccessible and does not indicate the position of the existing rear balcony and railings to be retained. As the plans show that the current rear patio and kitchen doors would be left in situ, there would be access from the existing kitchen onto the proposed flat roof

extension. The plans contain conflicting details and, from the information before me, it has not been demonstrated that the proposal would not include the provision of a verandah, balcony or raised platform limited by paragraph A.1(k).

14. In order to benefit from the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, the proposed development must involve the enlargement of a dwellinghouse and comply with the limitations in paragraphs A.1(g), (i) and (k). In this case, I conclude that there is insufficient information to determine that the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.
15. As I am dismissing the appeal given the insufficient information to show that the scheme would be permitted development, there is no need to consider the impact of the proposal on the amenity of adjoining premises.

Other Matters

16. The appellants state that the appeal scheme seeks to address the Council's reasons for refusal of previous prior approval applications on the site. Nevertheless, the proposal fails to include sufficient information to demonstrate that it would be permitted development under the GPDO.
17. There is also reference to a prior approval for a larger extension granted by the Council at 183 Ross Road, but I have limited information to indicate why this was found to meet the conditions, limitations or restrictions applicable to permitted development in Class A of the GPDO.
18. The appellants refer to several development plan policies, but these are not referred to by the Council. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 1, Class A of the GPDO do not require regard to be had to the development plan.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

A Wright

INSPECTOR