



Appeal Decision

Site visit made on 2 October 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/E5330/D/24/3341652

12 Gunning Street, Plumstead, Greenwich SE18 1BY

- 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 Ihsan Nageen and Ms Babita Bohra against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 24/0497/PN1.
 - The development proposed is demolition of existing rear extension and erection of single storey 5m rear extension with flat roof.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. 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 the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

4. The main issue is whether or not the proposed development satisfies Schedule 2, Part 1, Class A of the GPDO.

Reasons

5. The appeal property is a two-storey terraced dwelling which is set back a short distance from the pavement. At the rear there is an existing single storey lean-to structure which extends part way across the rear elevation of the property and through which access is obtained to the rear garden.
6. Development is not permitted under Schedule 2, Part 1, Class A, Paragraph A.1(j) of the GPDO if the enlarged part of the dwellinghouse would

extend beyond a wall forming a side elevation of the original dwellinghouse, and would: (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse.

7. The proposal is a single storey rear extension which would project 5 metres from the rear of the property and span the full width of the rear elevation. Its maximum height would be 3 metres. The lean-to would be demolished. The Council says the lean-to appears to be part of the original dwelling which the appellants have not disputed. With no substantive evidence to the contrary, I consider it likely that the lean-to is part of the original dwelling.
8. The Technical Guidance¹ indicates that a wall forming a side elevation will be any that cannot be identified as being a front wall or a rear wall. The existing lean-to means that there is a wall forming a side elevation at the rear of the property. The proposed extension would extend beyond this original side wall. The limitations at paragraph A.1(j) of Class A are based on the original dwelling. Consequently, these limitations apply even if part of the original dwelling is removed.
9. Whilst the proposal would not extend beyond the rear wall of the dwelling by more than 6 metres nor exceed 4 metres in height, it would extend beyond a wall forming a side elevation of the original dwelling and it would have a width greater than half the width of the original dwelling.
10. For these reasons, I conclude that the proposed development would not comply with paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO.

Other Matters

11. Whilst I sympathise with the appellants desire to create enlarged living space within the property, this matter has no bearing on whether or not the proposal would be permitted development.
12. As the proposal would not be permitted development, it is not necessary for me to consider the effects on the living conditions of neighbouring occupiers.

Conclusion

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

M Ollerenshaw

INSPECTOR

¹ Technical Guidance: Permitted Development for Householders (2019)