



Appeal Decision

Site visit made on 10 October 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/D5120/D/24/3348578

272 Lower Road, Bexley, Belvedere DA17 6DY

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Sean Butler against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/01091/GPDE.
 - The development proposed is described as the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.00 metres, for which the maximum height would be 3.85 metres, and for which the height of the eaves would be 2.80 metres.
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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) for development described as the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.00 metres, for which the maximum height would be 3.85 metres, and for which the height of the eaves would be 2.80 metres at 272 Lower Road, Bexley, Belvedere DA17 6DY in accordance with the application ref. 24/01091/GPDE, made on 4 April 2024, and the details submitted with it (including plans ref. SB/01 A; SB/03 A; SB/04 A; SB/05 A; SB/06; and SB/07 A), 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

3. I have used the description of development within the decision notice as this is the most accurate representation of the proposal.
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 (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. 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 with the conditions, limitations or restrictions that are applicable to such permitted development.

Background and Main Issue

5. The 'permitted development right' is subject to limitations and conditions, including those set out in paragraphs A.1(ja) and A.3(c) of Class A. Paragraph A.1(ja) does not permit development if any total enlargement, being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined, exceeds or would exceed the limits set out in sub-paragraphs (e) to (j). The Council asserts that the proposal would comply with parts (e) to (j) apart from criterion (i). Criterion (i) states that 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.
6. Also, provision A.3(c) requires the roof pitch of the enlargement to match that of the original dwellinghouse, where the enlargement has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse. The Council also considers this criterion to be unmet.
7. Therefore, the main issue is whether the proposal complies with size limits set out within Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

8. The appeal property comprises a two-storey dwelling with a rear two-storey flat roofed projection. The proposal would adjoin part of the rear elevation of the appeal property and the side of a rear projection. The Council is satisfied that the proposed extension, in and of itself, would comply with the criteria set out within Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, and I see no reason to take an alternative view to these undisputed findings.
9. The GPDO defines the original dwellinghouse as that existing on 1st July 1948, or in relation to a building constructed after this date, as so built. The appellant's Land Registry documents indicate that the appeal dwelling was likely constructed in the 1970's with the document site plan including the footprint of the rear projection. This, combined with my observations on site, confirms that the two-storey rear projection forms part of the original dwellinghouse.
10. Accordingly, as the dwelling appears to be in its original form the proposal would connect to the rear and side projection of the original house. Therefore, the proposed extension would not be combined with any previous additions for the purpose of undertaking an assessment of the GPDO. As such, the proposal being within the size requirements, would comply with provision A.1(i) and therefore also A.1(ja) of the GPDO.
11. With regard to provision A(3), the proposed extension would be single storey and would not form, or be part of, the upper storey of an existing enlargement. Consequently, despite the Council's assertion, this provision is not applicable to the scheme.

12. With the above in mind, the proposal would be permitted development as defined by the GPDO. As no objections were received from the owner or occupier of any adjoining premises, the prior approval of the local planning authority is not required.

Conditions

13. 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 for the development to be carried out in accordance with the details and plans submitted as part of the application to the local planning authority. No further conditions are necessary.

Conclusion and Recommendation

14. 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

15. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal in the circumstances set out above.

Ben Plenty

INSPECTOR