



Appeal Decision

by Mark Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/T5720/D/24/3348572

200 Seaforth Avenue, New Malden, Merton, KT3 6JW

- 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 D Ginsberg against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P1611.
 - The development proposed is described on the application form as “prior approval for a ground floor rear extension measuring 5m deep by 2.9m high and 2.6m at the eaves”.
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Decision

1. The appeal is allowed and prior approval is not required 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 a ground floor rear extension measuring 5m deep by 2.9m high and 2.6m at the eaves at 200 Seaforth Avenue, New Malden, Merton, KT3 6JW, in accordance with the application Ref 24/P1611, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A.

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. The provisions of Class A and limitation A.1(g) are subject to paragraph A.4, which requires a prior approval procedure to be undertaken, including consultation with adjoining property occupiers. Development must not begin until the conditions of paragraph A.4(10) have been met.
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 proposal does not comply, or that the developer has provided insufficient information to enable the authority to establish whether the proposal complies with the conditions, limitations or restrictions applicable to such permitted development.
4. Paragraph A.4(2) (a) sets out that the developer must provide the local planning authority with a written description of the proposal including how far the enlarged part extends from the rear wall of the original dwellinghouse, the height of the eaves and the maximum height of the enlarged part.

Main Issue

5. The Council refused the application based on the absence of accurate dimensions of the height of the proposed extension. Therefore, the main issue is whether the proposal would comply with the conditions, limitations and restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO, having particular regard to the height of the extension.

Reasons

6. The appeal site is a two storey terraced property which is located on the western side of Seaforth Avenue. The proposal relates to a single storey extension with a flat roof, which would project 5m from the rear of the building and span the full width of the rear elevation. The plans show that the extension would have a flat roof, the maximum height of which would be 2.9 metres.
7. Development is not permitted under paragraph A.1(g) (ii) to Part 1 of the GPDO if the enlarged part of the dwellinghouse exceeds 4 metres in height, or under paragraph A.1(i) if it would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the eaves height of the enlarged part would exceed 3 metres.
8. The Technical Guidance: Permitted Development for Householders (2019) (the Guidance) sets out how the eaves height of a flat roof extension should be measured from the ground level at the base of the outside wall to the point where that wall would meet the upper surface of the flat roof, and the overhang and the parapet wall should be ignored for this measurement. Taking this into account, the drawings show that the eaves height of the proposal would be 2.9 metres.
9. The application form states that the eaves height would be 2.6 metres. Notwithstanding the discrepancy between the application form and the plans, it is clear that the eaves height and overall height of the proposal would fall within the parameters of paragraph A.1(g) and (i). Therefore, the information provided by the appellant satisfies the requirements applicable to development permitted by Class A, which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). There is no dispute between the parties that the proposal would meet the other criteria relating to rear extensions, and I agree that these criteria would be met.
10. For these reasons, I conclude that the appellant has provided sufficient information to demonstrate that the proposed development would comply with paragraph A.1 of Schedule 2, Part 1, Class A of the GPDO.

Conclusion

11. 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 exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application.
12. For the reasons given, I conclude that the appeal should be allowed and that prior approval is not required.

M Ollerenshaw

INSPECTOR