



Appeal Decision

Site visit made on 16 June 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 July 2025

Appeal Ref: APP/T5720/D/25/3359344

22 Conway Gardens, Mitcham CR4 1QA

- 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 Mr Emmanuel Lamptey against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P3357.
 - The development proposed is described as: 'Proposed single storey rear extension measuring 4.5m long, and 3.5m high with eaves height at a maximum 3m'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development is permitted development; and if so
 - whether the proposed development would comply with conditions A.3(a), A.4(2)(a)(ii) and A.4(2)(a)(iii) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement, improvement or other alteration of a dwellinghouse subject to a number of limitations and conditions.
4. According to paragraph A.1(i), development is not permitted if the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part would exceed 3m.
5. Condition A.3(a) states that the materials used in any exterior work must be of a similar appearance to those used in the exterior of the existing dwellinghouse.
6. Conditions A.4(2)(a)(ii) and A.4(2)(a)(iii) require that details of certain permitted developments be provided to the local planning authority before the development is begun.
7. In this case the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse. Therefore, development would not

be permitted by Class A if the height of the eaves of the enlarged part would exceed 3m.

8. For the purposes of Class A, *Permitted development rights for householders Technical Guidance* (2019) explains that the height of the eaves is to be measured from the ground level at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof. Parapet walls should not be included in the measurement.
9. The appellant has stated that the roof would have a low pitch, that the drawings show the highest point of the roof and the lowest point (the eaves), and that there would be a parapet wall on both sides of the extension.
10. However, the drawings do not indicate or illustrate that there would be a pitched roof and parapet walls. Therefore, the eaves height is to 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 which, as labelled on the drawings, is just over 3.3m.
11. Accordingly, the proposal is not permitted development.
12. As the proposal is not permitted development, it is not necessary for me to consider the prior approval application any further. The concerns raised in relation to the Council's approach to handling the application are outside of the matters that I can consider in this appeal which are constrained by the legislation.

Conclusion

13. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR