



Appeal Decision

Site visit made on 1 July 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/P5870/D/24/3355908

118 Sutton Common Road, Sutton, SM1 3JQ

- 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 Kavitha Uthayakumar against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/01213.
 - The development proposed is single storey ground floor rear extension with flat roof added to the original house.
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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 single storey ground floor rear extension at 118 Sutton Common Road, Sutton, SM1 3JQ in accordance with the application Ref DM2024/01213 and the details submitted with it including drawing nos 7, 8, 10, 11, and 12, 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.

Procedural Matter

3. The appellant describes the proposal as having a flat roof, however the submitted drawing shows a mono-pitched, sloping roof. I have therefore removed the ambiguous wording from the description of development in the Decision above.

Main Issue

4. It is not disputed by either party that the proposal complies with the conditions and limitations set out in paragraph A.1, other than in relation to A.1(i). From the evidence before me, I have no reason to disagree with their assessment in relation to the undisputed paragraphs. Therefore, the main issue is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO, with particular regard to paragraph A.1(i).

Reasons for the Recommendation

5. The GPDO limitation under assessment is paragraph A.1(i), whereby 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.
6. The submitted drawings show a single-storey rear extension with a mono-pitched roof that gently slopes upward away from the existing building. The proposed extension would be located on land that is not uniform in height and slopes down into the rear garden. The parties are in agreement that the height of the extension should be measured from the highest part of the surface of the ground next to the building, as advised in the Government's Technical Guidance¹.
7. The area of dispute relates to the identification and height of the eaves. Whilst the Council has measured the height of the eaves from the rear wall of the extension furthest from the main dwelling, the appellant's case is that the eaves should be measured from the lowest part of the roof where it adjoins the existing dwelling.
8. The proposal is for a mono-pitched roof rather than a flat roof. The relevant part of the Technical Guidance is therefore the advice on paragraph A.1(d), which also assists with paragraph A.1(i). Here, it states "For the purpose of measuring height, the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall. The height of the eaves will 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 slope."
9. Taking this into account, the submitted drawings show that the eaves of the proposed extension would be no more than 3 metres high, measured where the lowest part of the roof slope meets the outside wall. For this reason, I conclude that the extension would accord with limitation A.1(i). No neighbour objections have been received, therefore the prior approval matter of amenity cannot be considered. Therefore, the development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed.

L McKay

INSPECTOR

¹ Permitted development rights for householders: technical guidance, Ministry of Housing, Communities & Local Government, September 2019