



Appeal Decision

Site visit made on 27 August 2025

by **David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

Appeal Ref: APP/E5900/D/25/3368649

18 Milligan Street, London E14 8AU

- 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 Rey Syuen Wang Yeh against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/25/00800.
 - The development proposed is an application for prior approval under schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order) 2015 for a single storey rear extension 6m beyond the rear of the house with height of 3.80m and eaves height of 2.90m.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Rey Syuen Wang Yeh against the Council of the London Borough of Tower Hamlets. This application is the subject of a separate decision.

Preliminary Matters

3. This proposal, for a “larger home extension”, was submitted pursuant to Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. Part A.4 of Class A sets out the information requirements for the submission of a larger home extension. In summary and relevant to this scheme, this includes a written description of how far the enlarged part of the dwellinghouse extends beyond the rear wall of the dwelling, the maximum height, the height of the eaves, and a plan indicating the site and showing the proposed development.
5. The written description of the development on the application form describes the proposed works as a simple 6 metre deep single-storey rear extension with a flat (green) roof to accommodate a living/dining/kitchen area¹. The form requests the distance, height and height to eaves and these figures are provided.
6. The submission to the Council was also accompanied by a document titled “6-metre Single-storey Rear Extension – 18 Milligan Street, London E14 8AU – Written Description of the proposed development”². The information in respect of

¹ I have used the description of the development from the decision notice in the banner heading.

² Date: 30 April 2025, Document Ref 2502-R01.

the height, and height of the eaves, states that the site has sloped ground and please refer to the section drawings for (dimension) details.

7. As part of the submission to the Council a set of existing and proposed drawings were submitted, showing all aspects of the layout and elevations, including section drawings.
8. The submitted drawings are, therefore, interrelated and integral with the other submission details including the written description document. I consider that the range of drawings showing the site, ground and first floor, roof, cross sections and elevational plans form the submission for consideration. Some of the plans, or elements of the plans, are now said to be for illustrative purposes. However, the plans are not referenced in this way, and the plans are all consistent and provide clear drawings of what the appellant intended at the time of submission. Importantly, they were the plans which were the subject of consultation with neighbouring residents in association with the written specifications.
9. Furthermore, the tapering off of the extension, as it extends from the house, means that the width of the extension is not consistent along its length. Understanding the position and width of the extension is a component of considering whether some of the limitations would be met. Without the plans, including the layout plans with the outline of a canopy, it would not be possible to assess this scheme effectively against the permitted development criteria.
10. A.4(8) of Class A allows that the local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application. With the written specification and the cross referenced and related plans, it was not necessary for the Council to require further information as the details as a whole allow an assessment to be made against the permitted development criteria.

Procedural Matters and Main Issue

11. The Council refused the proposal for two reasons. It is clear from the planning report that the Council considered that the scheme would not be permitted development because the length and width dimensions of the extension would exceed the permitted development limitations. However, the first reason for refusal, while mentioning the depth and width, then comments that the rear extension would harm the external appearance of the host dwelling and surrounding street views contrary to the GPDO. However, rather than considering the visual impacts, the key issue is whether or not the scheme would meet with the dimension requirements of Class A. If it does not, then it cannot be permitted development.
12. The second reason for refusal, identifies that the submitted plans show the installation of photovoltaic panels to the front and rear slopes of the roof of the existing dwelling. I appreciate that Class A.1(k)(iv) prevents an alteration to any part of the roof of the dwellinghouse when considering a larger home extension. The inclusion of these panels on the proposed drawings as an addition to the roof is potentially misleading and raises the legitimate question as to whether, on this basis, the scheme would not be permitted development. I have taken into account the appellant's explanations for including these panels on the drawings and the advice received from the Council prior to submission.

13. On balance, as this roof element of the works would be physically separate from the rear extension, and the application form and written submissions refer only to the proposed extension under Class A, the panels should not fall to be considered as part of the scheme. The appellant has clarified this situation during the appeal submissions and any decision in this appeal, which found in favour of the rear extension, could also make clear that no permission was or could be granted for the roof panels under permitted development rights as part of this appeal process. Therefore, on balance, I consider that the roof panels should not form a reason to conclude that the scheme would not be permitted development.
14. On the basis of this analysis, the main issue is whether or not the rear extension would meet the size limitations of Class A for a larger home extension so as to be considered permitted development.

Reasons

15. The submitted plans show the brick side element of the extension would extend 6m alongside the boundary with 20 Milligan Road. The other flank of the extension, finished in mainly glass, would be angled such that it would taper in the further it extended from the house. In addition, the plans also show a canopy attached to the tapering side of the extension and along part of the rear of the addition. This canopy would be a projecting structure which would extend about 0.8m from these main walls. In the context of the size of the extension, the canopy would be a fairly sizeable element. It would project around a good proportion of the addition and would be a permanent and fixed feature of the overall build. The canopy would project much further than the normal eaves of a single storey extension and would provide a reasonable size of covered area. It may appear to be lightweight but it is far from being able to be discounted as a *de minimis* element of the scheme.
16. I therefore consider that the canopy would form part of the overall addition to the rear of the dwelling. The plans clearly show it as part of the elevations, cross sections and on the floor plan. It would not be an element separate or detached from the extension in the same way as the panels to the roof. I do not consider that the canopy could be excluded from the considerations by some form of planning condition, or other approach at this appeal, because it forms an integral part of the plans and scheme before me.
17. It follows that the enlarged part of the dwellinghouse should be considered to consist of the main body of the extension of 6m and the canopy of 0.8m. Consequently, this enlargement would extend beyond the rear wall of the original dwellinghouse by 6.8m. This would be in excess of the 6m limitation in A.1.(g)(i).
18. The canopy on the side of the main body of the extension would also extend beyond the side elevation of the dwelling. This side of the house adjoins the Limehouse Link Tunnel Road, albeit that the road is on a lower level. Consequently, an enlarged part of the dwellinghouse would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. The limitation in A.1.(e)(ii) of Class A would also be breached.
19. For either of these reasons the scheme would not meet with the limitations of Class A and the enlargement of the dwellinghouse as proposed would not be permitted development.

20. The appellant has set out a series of arguments to seek to justify the canopy element and why the canopy should not be included and/or considered against the permitted development limitations. I have examined the key issues above, and concluded that the canopy would form part of the enlargement proposal. Other arguments, such as the canopy being a functional element solely to reduce solar gain are understood, but this does not discount it being considered against the Class A limitations.
21. The appellant, without prejudice to the other arguments, has also raised the issue that the Council could have discussed its concerns with the scheme and sought to reduce the design down to a permitted development level. However, that is not a matter for me when assessing the scheme against Class A rights. Also, concerns raised regarding procedural inconsistencies and the broader context in which the proposal should be considered, including the need for high quality design and net-zero goals, are not factors to take into account as part of an assessment as to whether a scheme would meet with the permitted development rights of Class A.

Conclusion

22. For the reasons explained above, I conclude that the extension would not meet the size limitations of Class A and, consequently, would not be permitted development. Accordingly, the appeal should be dismissed.

David Wyborn

INSPECTOR