

Appeal Decision

Site visit made on 8 June 2016

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 June 2016

Appeal Ref: APP/N5090/W/16/3143626

138 The Vale, London NW11 8SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Penina Bowman against the decision of the Council of the London Borough of Barnet.
 - The application Ref 15/07082/PNH, dated 19 November 2015, was refused by notice dated 23 November 2015.
 - The development proposed is the erection of a single storey rear extension with a maximum depth of 4.6m from the original rear wall; an eaves height of 2.17m; and a maximum height of 3.12m.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether or not the proposed extension is permitted under the above Order.

Reasons

3. Development is not permitted by Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse *and* would have a width greater than half the width of the original dwellinghouse.
 4. The proposed extension would extend beyond a wall forming a side elevation of the original dwelling. It would also adjoin a previous rear extension, the side wall of which forms a continuation of the original side wall beyond which the proposed extension would extend. I accept that the original side wall is short and that the part of the extension that would extend beyond the original side wall would not have a width greater than half the width of the original dwellinghouse.
 5. That said, the width restriction does not solely apply to the part of the extension extending beyond the side wall of the house. Limitation J excludes the *enlarged part* from being permitted if it extends beyond the side wall of the house *and* has a width greater than half the width of the house. The proposed conservatory together with the previous rear extension would form the enlarged part of the dwelling which would extend beyond the side and would be greater than half the width of the house.
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6. There is an extension at No 140, next door to the appeal site. The appellant says that, in order to ensure this extension was permitted development, the side wall was demolished. However, the current proposal does not involve demolition of the side wall and therefore the two schemes are not quite the same. Moreover, whilst I understand the appellant's frustration at what seems to be a small difference between the appeal proposal and the extension next door, I cannot consider any such "fall-back" position in my reading of the GPDO. I also note the appellant's reference to what she considers to be inconsistencies by the Council but other Council decisions have no bearing upon this appeal.
7. I therefore conclude that the proposed extension is not permitted under the above Order. As the proposal does not constitute permitted development I have no need to consider the amenity of the neighbours or to consider planning policy.
8. For the reasons given, the appeal is dismissed.

Siobhan Watson

INSPECTOR