
Appeal Decision

Site visit made on 15 September 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/A5270/D/16/3157173

50 Perimeade Road, Perivale UB6 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under condition A4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Thevakey Sivakumar against the decision of the Council of the London Borough of Ealing.
 - The application Ref 161315PALHE, dated 28 April 2016, was refused by notice dated 9 June 2016.
 - The development proposed is a single storey rear extension and internal wc and shower room (Plan Ref 16/008).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue relates to whether or not the proposal constitutes permitted development under Condition A4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reasons

3. The proposal relates to a flat roofed rear extension which would be 2.95 metres high and would project 5.00 metres and 3.30 metres respectively from the two rear walls of the mid terraced dwelling.
4. The dwelling includes an original two storey bay window addition to the rear of the dwelling. This has a side elevation. I have considered the Department of Communities and Local Government "Permitted Development Rights for Householders" Technical Guidance April 2016 (Technical Guidance) and this confirms that it is possible to have multiple side elevations in respect of an original dwelling.
5. Given the above, I agree with the Council that it is necessary to consider whether or not the proposal complies with the permitted development requirements of J(iii) of Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This states that development is not permitted by Class A 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"*.

6. In respect of the above, I have considered the Technical Guidance. The original dwelling measures approximately 4.60 metres in width and the proposed enlarged part of the dwellinghouse (ie the extension) would both project beyond the side wall of the original dwellinghouse and would be more than half the width of the original dwelling house (it would be about 4.50 metres wide). Therefore, I conclude that the proposed development would not be permitted development and that planning permission is required.
7. It has not been necessary for me to consider the effect of the proposal upon amenity given my finding above.

Other Matters

8. The appellant has referred me to a number of prior approval applications for No 44 Perimeade Road. However, I am required to determine this appeal based on the evidence submitted for No 50 Perimeade Road and not No 44 Perimeade Road. It would be a matter for the Local Planning Authority, exercising its planning enforcement investigatory powers, to consider whether or not development elsewhere is lawful. I have considered the proposal against the requirements of Condition A4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and have concluded that the proposal would not be permitted development.

Conclusion

9. For the reasons outlined above, the proposal does not comply with the conditions applicable to development permitted under Condition A4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal is not permitted development and I therefore conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR