
Appeal Decision

Site visit made on 31 August 2016

by Helen Cassini BSc (Hons) DipTP MRTPI

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

Decision date: 29 September 2016

Appeal Ref: APP/N5090/W/16/3149713

42 Woodfield Drive, East Barnet, Barnet EN4 8PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Lisa Ruggeri against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/1331/PNH, dated 1 March 2016, was refused by notice dated 3 March 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the original application form as that is what the applicant sought permission for. The Council's description of development on the decision notice adds further detail to the description but the original description is not incorrect.

Reasons

3. The prior approval application relates to permitted development rights for a residential rear extension. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants planning permission for the enlargement, improvement or other alteration of a dwelling house under Class A of Part 1 to Schedule 2.
 4. Paragraph A.1(j)(iii) of the GPDO states that development is not permitted where the enlarged part of the original dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would have a width greater than half the width of the original dwelling house.
 5. An area of dispute exists between the Council and the appellant as to whether the proposal would affix to a side elevation. I accept that both parties refer to a bay window at the rear of the dwelling house. However, from my site visit I noted that the bay window forms part of a significant 2 storey rear projection with rendered elevations and forms part of a wider bay arrangement. Accordingly, it is my view that as a matter of fact and degree the bay window
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in question forms an angled projection from the side of the dwelling house and as such constitutes a side elevation.

6. Furthermore, the Technical Guide for Householders¹ document indicates that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. For these reasons, and given the proposed scale of the extension would be greater than half the width of the original dwelling house, the permitted development right cannot apply given the wording of paragraph A.1(j)(iii).
7. The appellant has referred to a previous appeal decision². In this particular instance, the Inspector made reference to whether a rear bay window should be counted as a side wall for the purposes of the GPDO as being a matter of judgement. In this case whether there is a side elevation or not is a question of fact rather than judgement, as the angled projection clearly forms a side elevation. Moreover, it seems that the circumstances of the other appeal decision were different from this case and it is not clear whether the other bay window, without or without the ground floor element, was comparable with the dimensions of the bayed projection at this appeal site. Against this background the other appeal decision has only limited weight.
8. The appellant has also cited various examples of similar extensions within the immediate locality. However, I do not have the full details of the circumstances that led to these examples being constructed, including planning policy. I note the decision made by the Council with regards to 40 Woodfield Drive, however I have no evidence before me as to how this decision was reached. I am therefore not persuaded that the examples given represent a direct parallel to the appeal proposal. In any case each proposal must be determined on its individual circumstances, which I have done here.

Conclusion

9. For the reasons given above, and taking account of all matters raised, I find that the proposal would not be permitted development. On this basis, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

¹ Permitted development for householders: Technical Guidance (Department for Communities and Local Government) (April 2016)

² Appeal decision APP/Z5630/W/14/3000084