
Appeal Decision

Site visit made on 12 September 2016

by Christa Masters MA (hons) MRTPI

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

Decision date: 05 October 2016

Appeal Ref: APP/K3605/D/16/3153223

22 Braycourt Avenue, Walton KT12 2AZ

- 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 A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Robert Maginnes against the decision of Elmbridge Borough Council.
 - The application Ref 2016/0789, dated 7 March 2016, was refused by notice dated 14 April 2016.
 - The development proposed is rear ground floor extension.
-

Decision

1. The appeal is dismissed.

Reasons

2. Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits the enlargement, improvement or other alteration of a dwellinghouse. Within this Class, paragraph A.1 sets out when development of this type is specifically not permitted. Class A is also subject to conditions including those set out in paragraph A.4.
 3. The Council contend that the proposal does not fall within the scope of works permitted under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Specifically, Part 1, Class A, A.1. (j) advises 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 (iii) have a width greater than half the width of the original dwellinghouse.
 4. The extension proposed would extend the full width of the property. The existing rear elevation of the property accommodates a protruding bay window and also a protruding porch. The wall of this porch extends along the side elevation of the property. The appellant is unclear as to whether this is an original feature of the property. However, from what I saw on the site visit, both the projecting porch and bay appeared to be evident on the rear elevations of a number of the neighbouring properties. Furthermore, there was evidence of the existing porch being incorporated into an extension at No 20 next to the appeal site. Therefore, in the absence of any evidence to the
-

contrary, I am of the view that both the porch and bay window do constitute original features of the property.

5. The appellant contends that the protruding bay and porch would be removed prior to the works being implemented. Be that as it may, the removal of these features does not overcome the specific wording of the GPDO. In reaching the above view, I have also had regard to the Permitted Development Rights for Householders Technical Guidance, April 2016.

Conclusion

6. For the reasons given above I conclude the proposal would not fall within the definition of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and the appeal should therefore be dismissed.

Christa Masters

INSPECTOR