
Appeal Decision

Site visit made on 22 November 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 8 December 2016

Appeal Ref: APP/N5090/D/16/3158747

21 Crescent Road, Barnet, London EN4 9RD

- 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.
 - The appeal is made by Mr Mark Rafferty against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4766/PNH, dated 17 July 2016, was refused by notice dated 23 August 2016.
 - The development proposed is a single storey rear extension with roof light.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension with roof light.

Procedural matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

3. For Part 1, Class A proposals, the amenity of all adjoining premises must be considered. I note that no objections have been received from neighbours and the main issue is therefore whether the proposal would be permitted development for the purposes of Part 1, Class A of the GPDO.

Reasons

4. The appeal property is a terraced dwelling and it has a 2-storey outrigger and single storey lean-to structure at the rear. The proposal involves a single storey extension infilling the area between the side wall of the outrigger/lean-to, the site boundary and the rear elevations of the main house and the lean-to structure.
 5. The Council submits that, as the proposed extension would extend beyond a wall forming a side elevation and have a width greater than half that of the original dwelling house, it would run counter to GPDO paragraph A.1(j). The
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appellant argues that the Council has misinterpreted the GPDO and the Technical Guidance for householders¹ (the Guidance).

6. The Guidance further explains the limits to permitted development and provides helpful interpretative graphics. It is clear from the Guidance that any wall facing to the side where the rear elevation of a dwelling is stepped, should be considered as forming a side wall. However, the Guidance is equally clear that an extension would be permitted development if it were of single-storey and would not extend beyond the rear wall of the original dwelling by more than, in this case, 6 metres and would not be more than half the width of the original dwellinghouse measured at its widest point.
7. The proposed extension's length would be around 5.6 metres and it would be no higher than 4 metres. This part of the extension would not be more than half the width of the original dwelling, thus being well within the permitted limits. However, its roof would also essentially wrap around the rear wall of the outrigger, altering the roof to the lean-to structure and from my reading of the evidence, it is for this reason that the Council considers it to be greater than half the width of the original dwelling.
8. However, based on the submitted drawings it is clear that this latter element of the extension would merely be replacing the existing lean-to roof. Having regard to the provisions of the GPDO, it seems to me, therefore, that the removal of the lean-to roof and its replacement as part of the overall proposals cannot be considered as an extension to the original dwellinghouse. I do not have anything before me to suggest that the lean-to cannot be considered as part of the original dwellinghouse. The actual extension would therefore only be formed by the part of it that would extend from the dwelling's rear wall and along the side of the outrigger and lean-to.
9. In order for the development to fall outside the permitted limits, it would therefore need to extend beyond a side elevation of the original dwellinghouse and have a width greater than half the width of that dwellinghouse. I do not consider that to be the case for the reasons given above.
10. Thus, having had regard to all of the evidence, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

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