
Appeal Decision

Site visit made on 6 December 2016

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 13th December 2016

Appeal Ref: APP/T5150/D/16/3163039

7 Alverstone Road, London NW2 5JS

- 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, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ricardo Goddard against the decision of the Council of the London Borough of Brent.
 - The application ref 16/4333, dated 4 October 2016, was refused by notice dated 11 November 2016.
 - The development proposed is a rear extension.
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Application for Costs

1. An application for costs was made by Mr Ricardo Goddard against the Council of the London Borough of Brent. That application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Preliminary Matter

3. There are two other current appeals relating to different proposals for extensions to this property. Those appeals are the subject of separate decisions.

Main Issue

4. The main issue is whether the extension requires planning permission, as opposed to "prior approval".

Reasons

5. Paragraph A.1.(g) of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO") permits, for a temporary period until 30 May 2019, single-storey rear extensions of greater depth than would otherwise be allowed under paragraph A.1.(f). However, to be permitted under the GPDO, the development must also comply with all other relevant requirements of the GPDO.
6. The appeal site is a two-storey semi-detached house with an original two-storey rear projection across part of its width with a further small single-storey

projection attached to the rear of this. There is a ground floor bay window on the recessed part of the rear elevation.

7. The proposal would entail the erection of a single-storey extension that would replace the existing bay window and extend 3.25 metres to the rear meaning that it would align with the existing single-storey projection.
8. Government guidance is clear that any wall that cannot be identified as being a front or rear wall should be considered to be a side wall¹. In this case, whilst the enlarged part of the dwelling would not actually abut the side wall of the original two-storey projection, it would clearly extend beyond it. The Council advises that the width of the extension would exceed half that of the original house, and this has not been disputed by the appellant. The proposal would not, therefore, comply with paragraph A.1.(j)(iii) of the GPDO.
9. Whilst the proposal would comply with all of the other relevant criteria in the GPDO, the failure to comply with paragraph A.1.(j)(iii) means that the proposed development requires planning permission. An application for planning permission would be a matter for the local planning authority to consider in the first instance and cannot be addressed under the provisions set out in the GPDO.

Conclusion

10. I therefore conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

¹ *Permitted Development for Householders: Technical Guidance* (Department for Communities and Local Government, April 2016) page 23.
