

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/16/3161276

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 16/3455, dated 4 August 2016, was refused by notice dated 15 September 2016.
 - The development proposed is a side extension with demolition of existing garage.
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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 allowed and approval is not required under the provisions of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("GPDO").

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 proposal is permitted development and whether "prior approval" is required under the provisions of the GPDO.

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, 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 an original single-storey projection attached to the rear of this. There is a single garage in the back garden to the side, and slightly to the rear, of the single-storey projection.
7. The proposal would entail the erection of a single-storey side extension that would run the length of much of the original house, including along the rear projections, and occupy the site of the existing garage that would be demolished. The appellant advises that the original single-storey rear projection would be retained and altered to blend in with the new building. This is not inconsistent with what is shown on the submitted plans, and the Council has not provided any substantive evidence to indicate that this would not be the case. On this basis, the enlarged part of the dwelling would not have a width greater than half the width of the original dwellinghouse. Furthermore, the proposal would not extend more than 6 metres beyond the rear wall of the original single-storey projection.
8. The Council is satisfied that all of the other relevant criteria set out in the GPDO would be complied with, and I have no reason to conclude that this would not be so. The proposal is therefore permitted development under the provisions of the GPDO.
9. Under GPDO paragraph A.4(7), where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. I am advised that no objections were made to this proposal, and therefore prior approval is not required and it is not necessary for me to consider the effect on amenity.
10. As the proposal is permitted development and prior approval is not required, no planning conditions can be imposed.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed. The appellant should note that paragraphs A.4 (13), (14) and (15) of the GPDO require the development to be completed on or before 30 May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development, and the date of completion.

William Fieldhouse

INSPECTOR