

Appeal Decision

Site visit made on 12 December 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 22 December 2016

Appeal Ref: APP/P5870/D/16/3162026

62 Church Hill Road, Sutton, Surrey SM3 8LJ.

- 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 Shikhar Sharma against the decision of the Council of the London Borough of Sutton.
 - The application Ref A2106/75248, dated 25 August 2016, was refused by notice dated 13 September 2016.
 - The development proposed is a ground floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether or not the proposed extension for which prior approval is sought is permitted development under the provisions of the General Permitted Development Order (GPDO).

Reasons

3. The appeal property is a traditional 2-storey mid terrace dwelling located on the eastern side of Church Hill Road a short distance from its junction with Abbots and Priory Roads. The extension would extend 5 metres from the rear wall of the host dwelling.
 4. Schedule 2, part 1, Class A of the GPDO allows for the enlargement, improvement or other alterations of a dwelling house as permitted development without the need for planning permission. Many rear extensions are, under the provisions of the GPDO, permitted development.
 5. In refusing prior approval, the Council's Decision Notice states: '*The enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse*'.
 6. There is no doubt that the proposed extension would have a width greater than half the width of the original dwelling house. The dispute is therefore whether the enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house as required by paragraph A1 (j) of the GPDO.
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7. The Technical Guidance for householders document¹ indicates that a wall forming a side elevation of a house will be any wall (my emphasis) that cannot be identified as being a front wall or a rear wall. Whether a wall is a side elevation is a question of fact, applied to the words of the GPDO, rather than judgment. Moreover, the Technical Guidance makes it clear that even very small side walls can potentially constitute a 'side wall' for the purposes of the GPDO and contains diagrams to this effect.
8. The rear elevation of the appellant's house is stepped as a result of a rear projecting bay window. The proposed extension would extend beyond the side wall of this small projection. Neither party has provided evidence of whether this wall is a side elevation of the original house. However, from what I saw, this part of the house has the same rendered finish as the rest of the No 62 and appears to be a common feature to the rear of other properties in the same terrace. In my view this strongly supports an interpretation that the side elevation of the projecting bay window forms part of the original house, and in the absence of evidence to the contrary I shall take it that this is so.
9. Given the above, it is concluded that the proposal does not constitute permitted development under the terms of Schedule 2, Part 1, Class A of the GPDO. Accordingly the appeal must fail.
10. In reaching my decision, I have noted the lack of objection from neighbouring occupiers. I have also noted the appellant's view that other similar extensions have been approved in the locality. However, I have assessed the scheme before me in light of the particular circumstances that apply in this case.
11. For the reasons given above it is concluded that the appeal should be dismissed.

D. M. Young

Inspector

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