

Appeal Decision

Site visit made on 23 January 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 2nd February 2017

Appeal Ref: APP/T5150/D/16/3161554

129 Beverley Drive, Edgware, Middlesex HA8 5NH

- 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 Ms Alamara Waheed against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3678, dated 19 August 2016, was refused by notice dated 30 September 2016.
 - The development proposed is 'Single storey rear extension, 4.5m deep for full house width comprising flat roof arrangement.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application which is the subject of this appeal was a notification under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) of the intention to use permitted development rights to build a single storey rear extension which would exceed the limits in paragraph A.1(f) of the GPDO but which would be allowed by paragraph A.1(g).
3. I note from the Council's delegated report that they did not consider the appeal proposal to be permitted development but nevertheless notified adjoining occupiers about the proposal. The neighbour at 131 Beverley Drive objected to the proposed development, and so the Council proceeded to consider its impact on the amenity of adjoining premises and subsequently refused to grant prior approval.

Main Issue

4. Based on the above, the main issues are whether the proposal would constitute permitted development under Schedule 2, Part 1, Paragraph A.1 of the GPDO and, if so, the impact of the proposed development on the amenity of any adjoining premises.
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Reasons

5. In accordance with Schedule 2, Part 1, Class A, paragraph A.1(j), 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 exceed 4 metres in height, have more than a single storey, or have a width greater than half the width of the original dwellinghouse.
6. The Technical Guidance for householders¹ (the Guidance) indicates that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. It goes on to state that houses will often have more than two side elevation walls and, by way of example, provides a diagram of a house with a staggered rear elevation and multiple side walls. The Guidance is clear that the restrictions in paragraph A.1(j) of the GPDO will apply where an extension is beyond any side wall.
7. There is a 2 storey canted bay window at the rear of the appeal property which appears to be original. The proposed extension would extend beyond both sides of this bay window. Given the substantial form of the bay window projection, I do not consider that it can reasonably be identified as being part of the rear wall. It is therefore a matter of fact that the appeal proposal would extend beyond a wall forming a side elevation of the original house. The development proposed would also have a width greater than half the width of the original house. Consequently I conclude that the proposal would not constitute permitted development under Schedule 2, Part 1, Paragraph A.1 of the GPDO.
8. In view of this finding, and notwithstanding the Council and the appellant's differing views about the effect of the development on the amenity of the neighbouring occupiers, I do not need to consider this issue.

Conclusion

9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR

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