

## Appeal Decision

Site visit made on 7 February 2017

**by Y Wright BSc (Hons) DipTP MSc DMS MRTPI**

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

**Decision date: 13 February 2017**

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**Appeal Ref: APP/T5150/D/17/3167211**

**23 Amery Road, Harrow HA1 3UH**

- 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.
  - The appeal is made by Mr M Grewal against the decision of the Council of the London Borough of Brent.
  - The application Ref 16/4486, dated 28 July 2016, was refused by notice dated 24 November 2016.
  - The development proposed is described as '8m rear extension prior approval application'.
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### Decision

1. This appeal is dismissed.

### Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of the occupiers of adjoining properties, taking into account any representations received. My determination of this appeal has been made in the same manner.

### Main Issue

3. The main issue is whether the proposed development amounts to permitted development pursuant to Class A of Part 1 of Schedule 2 of the GPDO.

### Reasons

4. The appeal property is a two storey detached dwelling within a residential area.
  5. In order to benefit from the provisions of Class A of Part 1 of Schedule 2 of the GPDO the proposed extension must meet all relevant criteria under this Class. In this case this means the extension must not extend beyond a wall forming a side elevation of the original dwellinghouse and must not have a width greater than half the width of the original dwellinghouse.
  6. Based on the plans submitted and planning history evidence, the dwelling has previously been extended to the side and rear with a single storey extension. In determining whether the proposal is permitted development, the whole of
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the existing and proposed enlarged part of the dwelling is taken into account. This includes both the existing and proposed extensions.

7. As the existing extension already projects beyond a side wall of the original dwellinghouse and the enlarged part in total would extend across the full width of the original property, the development would have a width greater than half the width of the original dwellinghouse. This would therefore not comply with the requirements of Class A of Part 1 of Schedule 2 of the GPDO.
8. Consequently the proposal would not be permitted development. Instead it would be development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and cannot be addressed under the prior approval provisions set out in the GPDO.

### **Conclusion**

9. As I have found that the proposal is not permitted development I have not considered any other matters raised. For the reasons given above I conclude that the appeal should be dismissed.

*Y Wright*

INSPECTOR