
Appeal Decision

Site visit made on 14 March 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/W5780/D/17/3170684

4 Arundel Gardens, Ilford, Essex IG3 9SX

- 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.
 - The appeal is made by Mr Andrew Yuen against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 5077/16, dated 25 October 2016, was refused by notice dated 2 December 2016.
 - The development proposed is described as 'rear extension 6000mm deep and 3000mm high up to eaves maximum'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council refused the application because it considers the enlarged part of the dwelling would be built off the first floor rear bay projection, resulting in the enlarged part of the house forming an extension with a width greater than half the width of the original dwelling house. This, it is stated, would not comply with Schedule 2, Part 1, A.A1.(j)(i)(iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
3. In this instance, I intend to consider whether the proposal meets the criteria of Class A of the GPDO. The Council notified adjoining landowners regarding the proposed development and no representations were received.

Main Issue

4. The main issue for the appeal is whether the appeal proposal satisfies the requirements of the 2015 GPDO with regards to being permitted development.

Reasons

5. Schedule 2, Part 1, Paragraph A of GPDO allows for the enlargement, improvement or other alteration of a dwelling house. Until 30 May 2019, paragraph A.1(g) of that Class makes provision for single storey rear extensions up to 6 metres in length beyond the rear wall of the original dwellinghouse and 4m in height for properties other than detached dwellings.
 6. Schedule 2, Part 1, A.A1.(j)(iii) sets out that development is not permitted where the enlarged part of the dwellinghouse would extend beyond a wall
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forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse.

7. In this case, the appeal relates to one of a pair of two storey semi-detached dwellings. The pair of dwellings appears to have been originally built with shallow, two storey rear projections, meaning that the host dwelling originally had a stepped rear wall. The 'full statement of facts' document submitted by the appellant, confirms that the first floor 'extension' is original which accords with my observations on site. During my site visit, I also saw the single storey additions which have been made to the rear of the dwelling which would be replaced by the proposed extension.
8. The proposed extension would be erected across the full width of the rear of the host dwelling and would project out about 6000mm beyond the outermost rear stepped wall. Although the step in the original rear wall is modest, it nevertheless forms a side elevation wall of the dwelling for the purposes of the GPDO¹. Consequently, as the extension would extend beyond a wall forming the side elevation of the original dwelling house and as the width of the proposed extension would exceed half of the width of the original dwelling, the appeal proposal does not constitute permitted development.
9. Furthermore, whilst the proposed extension would project out 6000mm from the outer stepped rear wall, it would exceed 6 metres in depth measured from the inner stepped rear wall of the original dwellinghouse. Therefore the appeal proposal would also fail to comply with Schedule 2, Part 1, A.A.1.(g)(i) of the GPDO.
10. The appeal proposal therefore does not benefit from permitted development rights under the provisions of the GPDO.

Conclusion

11. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR

¹ As illustrated in the document Permitted Development Rights for Householders Technical Guidance April 2016, Department for Communities and Local Government