

---

## Appeal Decision

Site visit made on 15 March 2017

**by Beverley Wilders BA (Hons) PgDurp MRTPI**

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

**Decision date: 6 April 2017**

---

**Appeal Ref: APP/N5090/W/16/3164608**

**10 Upcroft Avenue, Edgware HA8 9RB**

- 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 A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Ryan Seligman against the decision of the Council of the London Borough of Barnet.
  - The application Ref 16/7315/PNH, dated 14 November 2016, was refused by notice dated 29 November 2016.
  - The development proposed is described as single storey stepped rear extension with a proposed maximum depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3.2 metres.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal is permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), having particular regard to whether it 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.

### Reasons

3. Class A of the GPDO permits the enlargement, improvement or other alteration of a dwellinghouse. Paragraph A.1. (j) (iii) states that development is not permitted if the enlarged part of the dwellinghouse 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.
  4. The appeal site comprises a two storey semi-detached dwelling with an existing single storey rear extension. The rear elevation is stepped at first floor and also contains a projecting bay window. From the submitted evidence and from observing nearby dwellings of a similar design that have not been extended at the rear, it appears that the original rear wall of the dwelling was also stepped and contained a projecting bay at ground floor.
-

5. There is disagreement between the main parties as to whether the proposal would extend beyond a wall forming a side elevation of the original dwellinghouse. In my view and having regard to the Permitted development rights for householders Technical Guidance , the original rear wall of the dwelling is stepped and incorporates a side wall which cannot be identified as a front or rear wall. Consequently the dwelling has more than one wall forming a side elevation. As the proposed extension extends beyond a wall forming a side elevation of the original dwellinghouse and has a width greater than half the width of the original dwellinghouse it is not permitted development.
6. Though I note the appellant's view that the stepped rear wall merges with the projecting bay window when viewed from neighbouring properties, in my view it is clearly a separate element to the bay window, separated from it by a section of rear wall. In addition though the depth of the rearward projection of the stepped element may be relatively limited, it nevertheless creates a wall forming a side elevation.
7. My attention has been drawn by the main parties to appeal decisions relating to 42 Woodfield Drive (Ref APP/N5090/W/16/3149713) and 133 Grand Avenue (Ref APP/Z5630/W/14/3000084) and I have been provided with copies of these decisions. However both of them appear to relate to whether angled bay window projections form side elevations. As I have found that the dwelling in this case has a stepped rear wall that includes a wall forming a side elevation there is no need for me to reach a finding on whether the projecting bay window also includes a wall forming a side elevation. Similarly as I have found that the proposal is not permitted development, there is no need for me to consider its impact on the amenity of any adjoining premises.

### **Conclusion**

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

*Beverley Wilders*

INSPECTOR