
Appeal Decision

Site visit made on 3 April 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/P5870/D/17/3170437

35 Prince of Wales Road, Sutton SM1 3PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval 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 Nazar Sinitovych against the decision of the Council of the London Borough of Sutton.
 - The application Ref C2016/76065, dated 2 December 2016, was refused by notice dated 26 January 2017.
 - The development proposed is a single storey rear extension to be 6mt from the original rear building line.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension to be 6mt from the original rear building line at 35 Prince of Wales Road, Sutton SM1 3PE.

Reasons

2. The Council has concluded that the single storey rear extension exceeds the dimensions and criteria as set out in (j) of Class A of Schedule 2, Part 1 of the GPDO. Paragraph A.1(j) of the GPDO states that development is not permitted where *"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"*. However, the Council does not make it clear in reaching their decision as to what side elevation of the original dwellinghouse it considers the proposed rear extension would extend beyond.
 3. There is a two storey bay window that projects from the rear elevation of this appeal property. The Technical Guidance for householders document indicates that bay windows form part of the principal elevation and therefore would not be considered to have a side elevation for the purposes of this proposal.
 4. There is also a small single storey rear porch projection relating to the kitchen. Based on my site visit this small lean-to has differential roof tiling to that of the roof of the dwellinghouse and appeared to me to be a later addition to the dwelling. Furthermore, the existing ground floor plan submitted in support of the application suggests that part of the original wall of the rear elevation
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remains internally. Neither party has provided any evidence that would indicate this projection to have formed part of the original dwelling. There is therefore insufficient evidence before me to show that it was part of the original dwelling and I am satisfied that this is a later development. As such, the porch extension would not provide an original side elevation for the purposes of applying criteria (j).

5. As such, I cannot conclude that criteria (j) of Class A of Schedule 2, Part 1 of the GPDO can be applied in this case. The Council has indicated that the proposed rear extension would conform with the criteria of Class A of Schedule 2, Part 1 of the GPDO in all other respects. I therefore conclude that the proposed rear extension is permitted development.
6. I am satisfied on the basis of the evidence before me that the proposal complies with the relevant limitations and restrictions set out in the GPDO and the proposal is defined as permitted development in the GPDO. Accordingly, the merit of development is not before me. The correct neighbour consultation has been carried out and no representations were received.

Conclusion

7. For the reasons given above, I conclude that the appeal should be allowed and prior approval is not required. In granting this appeal the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.