
Appeal Decision

Site visit made on 5 June 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 20 June 2017

Appeal Ref: APP/N5090/D/17/3172152
70 Bertram Road, London NW4 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mrs Dabasia Kunverbai against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/1384/PNH, dated 28 February 2017, was refused by notice dated 13 March 2017.
 - The development proposed is a single storey rear extension with a proposed depth of 6 metres from the original rear wall, eaves height 2.95 metres and a maximum height of 2.95 metres.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed extension would be permitted development.

Reasons

3. The Town and Country Planning (General Permitted Development) (England) Order 2015, (GPDO) at Schedule 2, Part 1, Class A sets out that the enlargement improvement or other alteration of a dwellinghouse is permitted development. It then sets out a number of restrictions. Relevant to this appeal, it states that: the extension should be single storey and; it should not extend beyond the rear wall of the original house by more than 6 metres; 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, then it would not be permitted (Paragraph A.1(g) and (j)).
4. The proposed extension would be for the full width of the house. At the rear of the house there is a stepped elevation, with a short section of wall running front to rear. In summary, the appeal arises due to the difference of opinion between the Council and the appellant about whether this section of wall constitutes a side wall or not. There is no dispute that this feature is original.
5. Reference is made to the publication by the Department for Communities and Local Government '*Permitted development rights for householders – Technical Guidance*'. Within the guidance it gives an interpretation of what constitutes a

“wall forming a side elevation”; it states that it will be any wall that cannot be identified as being a front or rear wall. The accompanying illustration gives an indication of a house with a series of steps in the elevations and notates the walls running front-to-rear as “walls forming a side elevation”.

6. The appellant considers that the limited extent of this wall means that it constitutes the rear elevation. Within the GPDO there is no discretion to interpret small sections of wall as not forming side elevations merely by virtue of their limited extent. The DCLG Technical Guidance offers a simple diagram in order to seek to clarify such a definition and whilst the property the subject of this appeal differs from that shown on the diagram (as one would expect it to) the appeal property clearly has a section of wall which runs at right-angles between 2 sections of rear facing wall, as alluded to in the Guidance.
7. I consider that this section of wall constitutes a wall forming a side elevation of the original dwellinghouse and the extension would have a width greater than half the width of the original dwellinghouse. As a consequence, the proposed extension is not development that is permitted by Class A, as referenced above. As a result, planning permission would be required for the proposed extension. An application for planning permission would be a matter for the local planning authority to consider, in the first instance, and cannot be addressed under the prior approval provisions of the GPDO. For the reasons set out, I conclude that the appeal should be dismissed.

S T Wood

INSPECTOR