
Appeal Decision

Site visit made on 10 July 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 25th July 2017

Appeal Ref: APP/T5150/D/17/3168501

24 Oxgate Gardens, Brent, London NW2 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the provisions of Article 3, Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
 - The appeal is made by Mr Shahzad Amin against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5178, dated 1 December 2016, was refused by notice dated 12 January 2017.
 - The development proposed is the erection of single storey side and rear extensions.
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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 the erection of single storey side and rear extensions.

Procedural Matter

2. The appellant's name on the appeal form differs from that on the application form. It seems to me that Murtaza Poptani of Sterling Town Planning is acting on behalf of the appellant, Mr Shahzad Amin. Accordingly, I have used the appellant's name as set out in the appeal form.
3. No date is shown on the application form. The appeal form includes a date of the application. I have used this date in the banner heading for accuracy.

Reasons

4. In the Council's view, the proposed extension does not constitute permitted development under Schedule 2, Part 1, Class A of the GPDO because it falls within the definition of 'Development not permitted' in paragraph A.1 sub paragraph (j) (iii). In the Council's opinion the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse.
5. The property has been the subject of a number of prior approval applications. Most notably, in 2016 the Council confirmed that prior approval was not required for a single-storey 6m rear extension¹ and a single-storey side

¹ LPA ref16/4508

extension². The proposal is effectively a combination of these two schemes with a 5mm gap between the side elevations of the two extensions.

6. The two components of the proposal are the side extension and the rear extension. The Council have already confirmed that, individually, these are permitted development and do not require prior approval.
7. If the two components were joined then the proposal would fail to comply with sub paragraph (j) (iii) as it would be more than half the width of the house. However, there would be a 5mm separation distance between the side extension and the rear extension. In their Decision Notice, the Council state that it would not be possible to construct the proposal without bridging this gap. If the development was constructed with the gap bridged then it would not be in accordance with the details submitted and would not be permitted development. However, the proposal before me indicates that there would be a gap and that is the basis on which I have determined the appeal. The practicalities of constructing the proposal are not a matter for me to consider.
8. Therefore, notwithstanding the difficulty of constructing the two components with such a narrow space between them, based on the proposal before me, they would not be joined and therefore each component would be a separate enlarged part. Accordingly, the only enlarged part that would extend beyond a wall forming a side elevation would be the side extension. However, this enlarged part would not have a width greater than half the width of the original dwellinghouse.
9. I conclude therefore that the Council was wrong to refuse the application on the basis that the proposed extension was not permitted development and required planning permission. As part of their determination process the Council consulted the neighbouring occupants. No representations were received. Accordingly, paragraph A.4(7) is not engaged.

Other Matters

10. The appellant has referred me to an appeal decision³ which also included a scenario regarding a gap between extensions. However, the Inspector did not make any conclusion on this matter as this was not in dispute. Furthermore, the appellant argues that there is established case law regards to gaps between side and rear extensions. I have not been presented with any such judgements. Accordingly, these matters have had only limited bearing on my consideration of the appeal, which has been based on its own merits.

Conclusion

11. For the reasons given above, the appeal is allowed and prior approval is not required.

Alexander Walker

INSPECTOR

² LPA ref 16/5156

³ Appeal ref APP/W1525/C/12/2169740