
Appeal Decision

Site visit made on 25 July 2017

by J Wilde C Eng MICE

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

Decision date: 10 August 2017

Appeal Ref: APP/M5450/D/17/3174912

29 Alicia Avenue, Kenton, Harrow, HA3 8HU

- 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 Mr Shaileshkumar Patel against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1372/17/PRIOR, dated 13 March 2017, was refused by notice dated 19 April 2017.
 - The development proposed is construction of 4.3m single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) enables certain types of development to take place without the need for a specific planning permission, provided that certain criteria are met. Provisions exist under Schedule 2, Part 1, Class A for the enlargement, improvement or other alterations of a dwellinghouse subject to certain criteria. The Council have indicated in their refusal notice that in their opinion the proposed development would not comply with criterion A.1(j)(iii) and it is therefore compliance or otherwise with this criterion that forms the main issue in this appeal.
3. The original application form is not dated. Consequently in the header above I have used the date given as when the application was received on the Council's refusal notice.

Main Issue

4. The main issue is whether or not the proposed extension falls within the provisions for permitted development as specified under Schedule 2, Part I, Class A.

Reasons

5. Criterion A.1(j)(iii) makes clear that development under the GPDO will not be permitted if *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwelling house and would have a width greater than half the width of the original dwellinghouse* (my underlining).

6. The proposed extension would be the full width of the appeal dwelling. Furthermore, due to the fact that the proposed extension would extend at an angle to the footprint of the existing dwelling, when seen from the perspective of both front and rear elevations, it would be seen as extending sideways beyond the existing west side elevation. Whilst I accept that the proposed extension would be in practice no wider than the existing dwelling, it would nonetheless, by virtue of the angle and the resulting elevations, be in conflict with Criterion A.1(j)(iii).

Conclusion

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

John Wilde

INSPECTOR