
Appeal Decision

Site visit made on 18 October 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 27 October 2017

Appeal Ref: APP/M5450/W/17/3179159

28 Methuen Road, Edgware HA8 6EX

- 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 A.4 of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr V Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/2257/17/PRIOR, dated 3 February 2017, was refused by notice dated 30 May 2017.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. However, in the Council's view, expressed briefly but concisely on the decision notice, the proposed extension does not constitute permitted development under Class A, Part 1, Schedule 2 of the GPDO because it falls within the definition of "development not permitted" under Paragraph A.1(j)(iii). It is therefore incumbent upon me to consider first, whether the proposal would exceed the limitations set out at paragraph A.1(j), or any of the other limitations set out at paragraph A.1.

Reasons

3. Paragraph A.1(j) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would; i) exceed 4 metres in height; ii) have more than a single storey; or, iii) have a width greater than half the width of the original dwellinghouse. There is no suggestion in this instance that the proposal would fail either of the limitations set out at paragraph A.1(j)(i) or (ii). I agree. Nor is it disputed that the extension's width, which would extend across the width of the dwelling, would be greater than half the width of the original dwellinghouse.
4. At the rear of the appeal property is a lightweight conservatory structure that would be removed in order to facilitate construction of the current proposal. The rear of the property has a two storey bay with chamfered corners. Both the bay and the brick wall either side of it sit under the substantial over-sailing

eaves of the main house. Alongside the bay is a further two storey brick-built element to the house, described by the appellant as a 'rearward projection', which also sits under the main house roof eaves.

5. It is the Council's view that the return elevation of the two storey rearward projection constitutes a 'side wall' for the purposes of interpretation of the GPDO. The document '*Permitted development rights for householders: Technical Guidance*'¹ (the Guidance) states that '*a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls*'. With the use of diagrams, the Guidance goes on to provide examples demonstrating how that can be. It also articulates in diagram form how there may be more than one side elevation and that these side elevations may be of differing lengths. This section of the Guidance concludes that 'Where an extension is beyond any side wall, the restrictions in (j) will apply.'
6. Conversely the appellant contends that this return wall cannot be considered to be a side elevation wall because it is entirely covered by the main house roof and is set back from the face of the main house roof eaves. This point is taken further with the suggestion that, had it been a side elevation, the gutter would have followed the same line. I have also been referred to a proposal in a neighbouring Borough² where the Council there identified a 'very small step in the rear wall' which, it was noted, did not 'project beyond the eaves of the house'.
7. However, I do not have the details of that proposal before me. I am unable to be sure therefore whether it provides a directly comparable situation to the one before me. However, in the case before me I saw that this return wall forms a noticeable and distinct step in the face of the rear elevation. It is clearly neither the front nor rear elevation of the dwelling and its depth, at three brick lengths, is not insubstantial. These factors lead me to conclude that it would be more than merely a small step in the wall or an incidental or minor protuberance from the rear elevation. It would, I conclude, be a 'wall forming a side elevation' of the dwelling. That it would be located underneath the over-sailing eaves of the appeal property's roof would not render it any less so in my judgement.
8. Thus, the extended part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and it would have a width greater than half the width of the original dwelling house. The proposed extension would therefore fall foul of the limitation set out at paragraph A.1.(j)(iii). Thus, the proposal cannot be permitted development and I conclude that this appeal should fail.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed. As the proposal does not constitute permitted development, there is no requirement for me to make a determination on the prior approval matters, and so I have not considered those matters any further.

Graeme Robbie INSPECTOR

¹ Department for Communities and Local Government – updated April 2017

² Council for the London Borough of Brent – 151 Carlton Avenue East