

Appeal Decision

Site visit made on 9 October 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 2nd November 2017

Appeal Ref: APP/Z5060/D/17/3179642
150 Third Avenue, Dagenham RM10 9BB

- 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 (as amended).
 - The appeal is made by Mr Joel Seneca against the decision of the London Borough of Barking and Dagenham Council.
 - The application Ref 17/00717/PRIOR6, dated 27 April 2017, was refused by notice dated 8 June 2017.
 - The development proposed is described as, *"the existing building is a mid-terrace, single dwelling house with an existing 3m extension to the rear. An extension of a further 3m is proposed at the rear of the existing house"*.
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Decision

1. The appeal is dismissed.

Reasons

2. Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits the enlargement, improvement or other alteration of a dwellinghouse. Within this Class, paragraph A.1 sets out when development of this type is specifically not permitted. Class A is also subject to conditions including those set out in paragraph A.4.
 3. The Council contends that the proposal does not fall within the scope of works permitted under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 4. Specifically, it notes that Part 1, Class A, A.1(j) advises 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 (iii) have a width greater than half the width of the original dwellinghouse.
 5. There is some debate between the parties as to what constitutes a wall forming a side elevation of the original dwellinghouse. The appellant disputes the Council's view that the appeal dwelling had an original single storey, half width projection extending from the rear elevation, which has since been subsumed by a two storey rear extension.
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6. No definitive evidence has been presented to me either way, but it was evident from my site visit that many of the unextended dwellings on Third Avenue did indeed appear to have single storey, half width projections. These were of a uniform design and appeared to be contemporary with the houses. As such, it is reasonable to consider that they were common to all of the dwellings when built and, thus, that the appeal dwelling also once had such a feature.
7. Treating the now subsumed single storey rear projection as forming part of the original dwellinghouse, rather than as an extension, the side wall of this projection *is* a wall forming a side elevation. The existing two storey extension that encompasses this rear projection is, therefore, an extension that extends beyond a wall that forms a side elevation (i.e. the stepped side wall created by the rear projection). If an extension was added on at the rear of this, the total enlargement would extend beyond a wall forming a side elevation and is more than half the width of the dwelling house. Applying Schedule 2, Part 1 Para A.1 (ja), the appeal scheme is not permitted development.
8. In addition, given that the sum total of enlargements to the house would have more than one storey (though only in part), it is entirely probable that it would fall foul of the restrictions relating to rear extensions too. Had I found the proposal to be permitted development under Part 1, Class A, A.1(j), I would have sought the parties' views on this additional matter.
9. This is all summed up on Page 24 of the Permitted Development Rights for Householders - Technical Guidance (DCLG April 2017), which states:

Under paragraph (ja) ... if the proposed extension is being joined to a previous enlargement, it will not be permitted development if the size of the total enlargement (being the proposed enlargement together with any previous enlargement) exceeds these limitations. For example, if a proposed extension of 3 metres in height is added to an existing extension which exceeds 4 metres in height, or if the proposed extension creates a total enlargement which has a width greater than half the width of the original dwellinghouse, it would not be permitted development.

Conclusion

10. For the reasons given above I conclude that the proposal would not fall within the definition of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and, thus, that the appeal should be dismissed.

Richard Schofield

INSPECTOR