



Appeal Decision

Site visit made on 25 October 2017

by David Smith BA(Hons) DMS MRTPI

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

Decision date: 3rd November 2017

Appeal Ref: APP/A2280/D/17/3179239

304 Wilson Avenue, Rochester, Kent, ME1 2SS

- 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 Abdul Suleh against the decision of Medway Council.
 - The application Ref MC/17/1159, dated 23 March 2017, was refused by notice dated 11 May 2017.
 - The development proposed is a 6m rear extension as kitchen, dining & living room & WC.
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Decision

1. The appeal is dismissed.

Reasons

2. Paragraph A.1 of the Order provides that development is not permitted by Class A in certain circumstances. Included in this list at (j)(iii) is when 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 of the width of the original dwellinghouse.
3. The mid-terrace property at 304 Wilson Avenue has a narrow, lean-to projection at the rear. The Technical Guidance on *Permitted development rights for householders* (DCLG, April 2017) indicates that a wall forming a side elevation of a house is any wall that cannot be identified as being a front or a rear wall. The flank wall of the existing outshot is modest in depth but contains a door into the kitchen area. It is evidently part of the dwelling and for the purposes of interpreting the Order forms a side elevation. The proposed extension would occupy the entire plot and would consequently be more than half of the width of the original house. Therefore, because of its location and size, it does not benefit from the provisions of Class A of the Order and it is not permitted development. As such, the appeal should be dismissed.
4. The scrutiny undertaken at validation stage, the lack of representations from neighbours and the addition under construction at No 302 have no bearing on this decision. The extension requires an application for planning permission which would be a matter for the local planning authority in the first instance.

David Smith

INSPECTOR