
Appeal Decision

Site visit made on 10 October 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 15 November 2017

Appeal Ref: APP/W5780/D/17/3179628

6 Beattyville Gardens, Barkingside, Ilford IG6 1JN

- 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 and 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 Mohammed Shayem Pervez against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1356/17, dated 7 March 2017, was refused by notice dated 4 May 2017.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) , under Article 3 and Schedule 2, Part 1, Paragraph A.4 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.
3. However this is subject to the proposal being permitted development in accordance with the GPDO. In this regard I gave an opportunity for both main parties to comment on the development proposal in relation to part (j) of paragraph A.1 of the GPDO, as the proposal would extend beyond the side elevations of projections located to the rear of the property. I have taken responses received into account within my decision.
4. Within the banner heading and my decision above, I have used the full site address, as set out on the decision notice, for reasons of certainty.

Main Issue

5. Based on the above, the main issue is whether the proposed development amounts to permitted development pursuant to Class A of Part 1 of Schedule 2 of the GPDO.

Reasons

6. The appeal property is a detached bungalow located within a predominantly residential area. There are neighbouring properties to each side and to the

rear. At the rear of the property there are two single storey rear projections that form part of the original dwellinghouse. The proposal would add a single storey rear extension to the full width of the bungalow, which would be 5m in depth and 2.86m high to the eaves with a maximum height of 3m. The two rear projections would be removed as part of the development.

7. In order to benefit from the provisions of Class A of Part 1 of Schedule 2 of the GPDO, the proposed extension must meet all relevant criteria under this Class including paragraph A.1 (j). This means the extension must not extend beyond a wall forming a side elevation of the original dwellinghouse to a width greater than half the width of the original dwellinghouse.
8. The proposal would comply with Class A.1(j) (i) and (ii) in that it would be a single storey extension with a maximum height of 3m. However, the existing original rear projections have walls forming side elevations to the property. As the proposal would extend the entire width of the property, it would project beyond these existing side walls and the development would have a width greater than half the width of the original dwellinghouse. The proposal would therefore not comply with the requirements of Class A.1(j) (iii).
9. Consequently the proposal would not be permitted development. Instead it would be development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance and cannot be addressed under the prior approval provisions set out in the GPDO.

Conclusion

10. As I have found that the proposal is not permitted development I have not considered any other matters raised. For the reasons given above I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR