
Appeal Decision

Site visit made on 11 December 2017

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 18th January 2018

Appeal Ref: APP/P5870/D/17/3179722

52 Egham Crescent, North Cheam, Sutton, Surrey SM3 9AW

- 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Rajaratnam Thayaparan against the decision of the Council of the London Borough of Sutton.
 - The application Ref A2017/76918, dated 15 May 2017, was refused by notice dated 19 June 2017.
 - The development proposed is a single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended¹) (the GPDO).

Reasons

3. The rear wall of the house as constructed is not one continuous plane but has a projecting bay on the ground and first floor of the building. This appears to be part of the original construction. The sides of this bay are side elevations for the purposes of assessing permitted development.
4. Schedule 2, Part 1, Class A of the GPDO allows for the enlargement of a dwelling house if all the specified conditions are met. Class A.1 (j) (iii) of the same schedule limits the width of the enlarged part of the dwelling house to half the width of the dwelling house where it would extend beyond a wall forming a side elevation.
5. The rear extension would extend beyond the wall forming a side elevation, but would have a width greater than half the width of the original dwelling house. Indeed, it would be virtually the same width as the original dwelling. Consequently, it would not meet the requirements set out in Class A.1(j)(iii), and so cannot be permitted development under Class A. In reaching my view on this matter I have taken account of the appellant's comments regarding the meaning of 'the enlarged part of the dwelling house'.

¹ SI 2015 No 596

6. I have noted the Council's point that there is insufficient information to reach a conclusion on other aspects of Class A. However, since it is clear that the proposal is not permitted development in any event, I have not considered that further.

Conclusion

7. For the reasons set out above I conclude that the proposal is not permitted development under Schedule 2, Part 1, Class A of the GPDO. As the proposal is not permitted development the prior approval notification process does not apply. Accordingly, and taking into account all other relevant matters raised, the appeal should be dismissed.

Janet Wilson

INSPECTOR