



Appeal Decision

Site visit made on 2 July 2019 by S Witherley BA, PGDip, PGDip, Cert CIH, Assoc RTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 19 July 2019

Appeal Ref: APP/Z5630/D/19/3222604

Address: 100 Pembury Avenue, Greater London, KT4 8BY

- 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 Lucy Stammers against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 18/00178/PNH, dated 17 December 2018, was refused by notice dated 25 January 2019.
 - The development proposed is for a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development satisfies Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order as amended (the 'GPDO')¹.

Reason

4. The appeal site comprises a two-storey end of terrace property. At the west side of the main rear elevation is a modest lean-to addition which covers approximately half the rear elevation, and is a lean-to addition similar to neighbouring properties. The evidence suggests that the structure at no. 100 is part of the original dwelling-house. The remaining half of the main rear elevation is covered by a flat roof addition which extends out from the east side of the original lean-to across to the shared boundary. This extension seems to be a much later addition due to its flat roof design. Together with the original lean-to this creates a stepped rear elevation.
5. Schedule 2 Part 1 Class A to the GPDO grants planning permission for the enlargement of a dwelling-house subject to satisfying certain conditions and limitations. The Council state that the proposed development would not fall within the scope of Class A as it would extend beyond a wall forming a side elevation of the original dwelling-house and

¹ The GPDO 2015 version has been amended by statutory instrument 019 no. 907 The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019, which came into force on 25 May 2019. There has been no material change to Schedule 2, Part 1, Class A.

would have a width greater than half-the-width of the original dwelling-house. Thus, it contends, the proposal fails Class A.1 (j) sub-section (iii).

6. The term side elevation is not defined in the GPDO. The Department's guide, *Permitted Development Rights for Householders: Technical Guidance* (TG), whilst not determinative, is a useful aid to interpretation. It 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. Additionally, where there is an original rear addition to a house that does not cover the full width, then elements of this structure that are not rear elevations are likely to constitute side elevations. Having regard to the design and layout of the appeal building, the original lean-to located at the west side of the main rear elevation has two sides.
7. In addition to all of that, given that the enlargement would be joined to the existing flat roof addition, the TG advises that the total combined enlargement (being the proposed enlargement together with any previous enlargement) will need be considered as one proposal and assessed against the limits set out in (e) to (j) to Class A. The TG also states that proposals that fill an area between an original side elevation, and an original rear elevation, the restrictions on extensions beyond rear walls and side walls will both apply.
8. The proposed extension together with the existing flat roof addition would be viewed as one extension given the degree of connectivity and functional link. The proposal would, therefore, extend beyond the east-facing side wall of the original rear lean-to and across the rear elevation of the main house up to the shared boundary. It would extend beyond the original rear elevation of both the original lean-to and the main house. In these circumstances, the enlarged part of the dwelling-house must extend no more than 3 metres beyond the rear wall, or no more than 6 m beyond the rear wall and have a total width that does not exceed more half the width of the house. On the basis of the available evidence, in this case the total width of the proposal would exceed more than half-the-width of the original dwelling-house. The proposal would conflict with the physical tolerance for both rear and side elevations.

Conclusion and Recommendation

9. For all of the above reasons, the proposed development would not meet with the criteria in Schedule 2, Part 1, Class A of the GPDO. It would not be permitted development and, consequently, there is no need to consider the need for prior approval. It is recommended that the appeal should be dismissed.

S Witherley

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I too concur that the appeal should be dismissed.

A U Ghafoor

INSPECTOR