
Appeal Decision

Site visit made on 2 July 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/N5090/W/19/3225027

18 Cumbrian Gardens, London, NW2 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under paragraph A.4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mistry Manharlal against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/0884/PNH, dated 12 February 2019, was refused by notice dated 18 March 2019.
 - The development proposed is described as 'single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.'
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres at 18 Cumbrian Gardens, London, NW2 1EF, in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 of the GPDO.

Application for costs

2. An application for costs was made by Mr Mistry Manharlal against the Council of the London Borough of Barnet. This application is the subject of a separate decision.

Main Issue

3. The main issue relates to whether or not the proposal constitutes permitted development under Paragraph A.4 of Schedule 2, Part 1, Class A of the GPDO with particular regard to whether the application included sufficient information, and if so, whether prior approval is required.

Reasons

4. The appeal property is a semi-detached house. It is proposed to erect a single-storey extension to the rear of the property. The application form describes that the proposed development would project from the rear wall of the original rear wall of the house by 6.0 metres. According to the application form both the height of the extension overall and the height to the eaves would be 3.0

- metres measured externally from the natural ground level. However, these details do not correspond with the submitted plans which annotates the overall height of one of the elevations as 3.1 metres, although it is unclear as to whether this measurement is taken from the natural ground level.
5. The GPDO¹ states that single-storey development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond the rear wall by more than 6 metres, or exceeds 4m in height. The proposed development falls within these parameters.
 6. The appellant's evidence suggests that the submitted elevations upon which the Council refused to grant approval contain a typing error and that the submitted plans are correct when measured to scale. Having examined the submitted plans, apart from the anomalous 3.1 metres annotation, the other elevations on the plans are annotated as 3.0 metres in height above natural ground level.
 7. The application included information to comply with the requirements of paragraph A.4(2)(a) of the GPDO through the written description of the proposed development provided on the application form which includes the depth of the extension beyond the rear wall of the original dwellinghouse, together with the maximum height and the height to eaves as required by subparagraphs A.4(2)(a) (i), (ii) and (iii) of the GPDO respectively.
 8. When taken together, I consider that the information provided with the application form and submitted plans, along with the clarification provided by the appellant, constitutes sufficient information to meet the requirements of the relevant part of the GPDO¹.
 9. Following consultation by the Council through the application process, no objections from an owner or occupier of any adjoining premises to the proposed development have been received. Consequently, in the particular circumstances of this case, it is not necessary to consider the impact on the amenity of adjoining properties as part of this appeal given that the prior approval requirements under paragraphs A.4(7) and A.4(9) of the GPDO are not engaged.
 10. Having regard to all of the above, I conclude that the proposed development constitutes permitted development and prior approval is not required as paragraph A.4(7) of the GPDO is not engaged. The proposal satisfies the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A of the GPDO¹ relevant to it.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

Matthew Woodward

INSPECTOR

¹ Paragraph A1. (g) of The Town and Country Planning, Schedule 2, Part 1, Class A (General Permitted Development) (England) Order 2015 (as amended)