
Appeal Decision

Site visit made on 12 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/N5090/D/19/3229016
47 Netherlands Road, Barnet EN5 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a Schedule 2, Part 1, Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Tagbo Umenyilora against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1939/PNH, dated 28 March 2019, was refused by notice dated 2 May 2019.
 - The development proposed is single storey rear extension with a proposed depth of 6 metres from the original rear wall, eaves height of 2.83 metres and a maximum height of 3 metres.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Given the evidence before me, I have taken the date of the application and description of development from the appeal form in the interests of certainty.
3. The appellant appears to have misunderstood the procedure for prior approvals. The prior approval procedure for 'large' extensions to dwelling houses under Part 1, Class A is set out at Part 1, paragraph A.4 of the Town and Country Planning (General Permitted Development) Order 2015 (Order). Applications for prior approval are the mechanism through which Councils determine whether developments would be permitted development having regard to the Order.

Main Issue

4. In light of the above the main issue is whether or not the proposed change of use would be permitted development having regard to Class A Part 1 of Schedule 2 of the Order.

Reasons

5. Development is not permitted by Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would have a width greater than half the width of the original dwelling house.

6. The proposed extension would extend beyond a wall forming a side elevation of the original dwelling. In particular, the side wall in this case is the side wall of a single storey projection at the rear of the property. Limitation J excludes the enlarged part from being permitted if it extends beyond the side wall of the house *and* has a width greater than half the width of the house. Since this extension would be the full width of the house, it would not comply.
7. I acknowledge that the proposed extension would be 6m in depth from main part of the original dwelling, that a raised platform is not proposed and that the overall height of the proposal may not exceed 3m. However, given the conflict with the other parts of the Order as identified above, this has not altered my overall decision. While I acknowledge that other properties in the area may have been granted planning permission for rear extensions, and that the appellant or agent may not have experienced any problems when applying for prior approval in the past, each case must be determined on its individual merits.
8. I therefore conclude that the proposed extension is not permitted under the above Order. As the proposal does not constitute permitted development, I have no need to consider the amenity of the neighbours or to consider planning policy.

Conclusion

9. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR