



Appeal Decision

Site visit made on 19 November 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 25 November 2019

Appeal Ref: APP/H5960/D/19/3225828

34 Roehampton Vale, London SW15 3RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Andrew Ip (MG Architects) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2019/0052, dated 2 January 2019, was refused by notice dated 7 February 2019.
 - The development proposed is proposed single storey side extension, of 3000mm eaves height and 4000mm maximum height, and extends 5640mm from rear wall of existing garage.
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for single storey side extension, of 3000mm eaves height and 4000mm maximum height, and extends 5640mm from rear wall of existing garage at 34 Roehampton Vale, London SW15 3RY in accordance with the application Ref 2019/0052 dated 2 January 2019, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Procedural Matters

2. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) allows, as permitted development, the enlargement, improvement or other alteration of the original dwelling house. Thus, paragraph A.1(g) of Class A makes provision for single storey rear extensions of up to 6 metres in length¹ beyond the rear wall of the original dwelling house for properties other than detached dwellings and up to 4m in height². Paragraph A.1.(j) considers proposals that would extend beyond a wall forming a side elevation of the original dwellinghouse and sets out limitations and restrictions at A.1.(j)(i) to (ii).
3. At the time that the application was submitted to, and considered by, the Council paragraph A.1(g) of Class A had effect until 30 May 2019. However,

¹ Paragraph A.1(g)(i)

² Paragraph A.1(g)(ii)

the date was revoked on 1 May 2019³ and the wording of paragraph A.1(g) was amended accordingly. This is a technical point which does not affect the interests of any party.

Reasons

4. The proposed extension would be positioned at the rear of the existing garage and would extend rearwards to a point level with the existing ground floor rear elevation of the house. As the extension would extend more than 3 metres from the rear elevation of the garage but less than 6 metres, it stands to be considered against the provisions of paragraph A.1.(g) of the Order. There is no dispute that the proposal would not exceed 4 metres in height and so the requirements of paragraph A.1.(g)(i) and (ii) are met. However, proposals benefiting from permission under paragraph A.1.(g) are also required to satisfy the other conditions, limitations and restrictions set out in the other subparagraphs of paragraph A.1.
5. There is also no dispute that the proposal would extend beyond a wall forming a side elevation of the original dwellinghouse. As such, paragraph A.1.(j) states that proposals will not be permitted development if they exceed 4 metres in height⁴, have more than a single storey⁵ or have a width greater than half the width of the original dwellinghouse⁶. These limits shall also apply to any total enlargement, ie; where the enlarged part of the dwelling together with any existing enlargement of the original dwellinghouse to which it would be attached would exceed the limits set out at paragraphs A.1.(e) to (j).
6. The proposal would clearly not have more than a single storey and it is agreed that it would not exceed 4 metres in height. Where there is dispute however, is in relation to the width of the extension relative to the width of the original dwellinghouse. The Council contend that the property has been previously extended at the rear. This, it is claimed, is evidenced by a projecting ground floor element at the rear of the property. As a consequence, the proposed extension and the previous extension would, together, have a width greater than half the width of the original dwellinghouse.
7. Regarding the ground floor projecting element, the appellant disagrees, stating that this element of No. 34 is original to the house. From all that I have seen and read, I am inclined towards the appellant's arguments in this respect. No. 34 is one half of a pair of largely symmetrical semi-detached dwellings. At the rear, the adjoining half of the building⁷ has a similar flat roofed projecting ground floor element under a flat roof. There is a substantial masonry buttress separating the two properties at first floor.
8. Whilst the projecting element at No. 36 differs from that at No. 34 in that it has a small projecting bay window with chamfered corners at ground floor level, I am inclined to accept the appellant's position that they differ because the bay at the rear of No. 34 has previously been removed, not because the space around the bay has been infilled. The historic map extracts submitted by the appellant appear to show a projecting element with chamfered corners at the

³ The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019, Part 2, paragraph 4(a)

⁴ Paragraph A.1.(j)(i)

⁵ Paragraph A.1.(j)(ii)

⁶ Paragraph A.1.(j)(iii)

⁷ No. 36

rear of the property in a mirror image of that at No. 36. My observation of the rear of both No.34 and No.36⁸ supports my conclusions in this respect. The Council, by contrast, have not presented any evidence to support their assertion that the space around the bay has been filled in.

9. Thus, on the evidence before me, I conclude that the proposed extension would not have a width greater than half the width of the original dwellinghouse. The proposal would not thus breach the limits set out at paragraph A.1.(j)(i) to (iii).

Other Matters

10. The Council have not advanced a case that the proposed extension would breach any other condition, limitation or restriction set out at subparagraphs A.1.(a) to (k). I have not been presented with any other evidence that would lead me to conclude otherwise.
11. Paragraph A.4. sets out the procedure and conditions for larger house extensions granted under the provisions of paragraph A.1.(g). The Council have confirmed that the owners / occupiers of adjoining premises were notified of the proposal. It is also confirmed that no objections or comments were forthcoming. Paragraph A.4.(7) states that where objections or comments are received, prior approval is required as to the impact of the proposed development on the amenity of any adjoining premises. As no such objections or comments were received the Council did not assess any amenity impacts. I agree, and neither is it necessary for me to consider such matters.

Conclusion

12. For the reasons I have set out above the proposed extension would benefit from the permission granted by Part 1, Class A of the Order and would not exceed the limitations, conditions or restrictions set out at paragraph A.1(a) to (k) of the Order and is thus permitted development. I conclude that the appeal should be allowed and that prior approval is not required.

Graeme Robbie

INSPECTOR

⁸ Observed from No. 34