



Appeal Decision

Site visit made on 26 November 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/P5870/D/19/3232305

37 Prince of Wales Road, Sutton, SM1 3PE

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mia Klebanska against the decision of the Council of the London Borough of Sutton.
 - The application Ref: DM2019/00850 dated 17 May 2019, was refused by notice dated 26 June 2019.
 - The development proposed is the erection of a single storey rear extension with the installation of 2 x skylights and bi-folding doors.
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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) (GPDO) for the erection of a single storey rear extension with the installation of 2 x skylights and bi-folding doors at 37 Prince of Wales Road, Sutton, SM1 3PE in accordance with application Ref: DM2019/00850 dated 17 May 2019, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO.

Main Issue

2. The main issue is whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted under Schedule 2, Part 1, Class A of the GPDO.

Reasons

3. Schedule 2, Part 1, Class A of the GPDO permits the enlargement of a dwelling/house subject to a number of restrictions. Paragraph A.1(j) sets out that development is not permitted by Class A 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.
4. The appeal property forms an end of terrace house and has a small single-storey rear kitchen extension and two-storey bay window that project beyond the main elevation of the house.

5. The Council considers that the kitchen extension forms part of the original dwelling/house. It has therefore concluded that the proposed rear extension would exceed the dimensions set out in Paragraph A.1(j) as it would extend beyond the side wall of the kitchen extension and would have a width greater than half the width of the original dwelling/house.
6. Due to building works to the main roof at the time of my site visit, I was unable to compare the tiling of the rear kitchen extension with that of the main roof of the dwelling/house. However, I note from the photos included with the submitted Design Statement that the tiling to this rear extension is different to that of the main roof. Internally, it also appeared that parts of the original wall of the rear elevation remain as indicated on the submitted plans. These features suggest to me that the rear extension was a later addition to the dwelling.
7. The Council has indicated that Ordnance Survey maps from 1954 show the ground floor rear extension to be uniform across properties on Prince of Wales Road but has provided no further details of this.
8. In the absence of conclusive evidence to show that the rear extension was part of the original dwelling, I am satisfied that it is a later development. As such, the rear extension would not provide an original side elevation for the purposes of applying Paragraph A.1(j).
9. I have also been referred to a similar appeal¹ to a neighbouring property at 35 Prince of Wales Road for a similar proposal to the scheme before me. I note the Inspector, in allowing the appeal, came to the same conclusion in respect of the status of a similar rear extension.
10. On the evidence before me, I cannot conclude that criteria (j) of Class A of Schedule 2, Part 1 of the GPDO can be applied in this case. The Council has indicated that the proposed rear extension would conform with the criteria of Class A of Schedule 2, Part 1 of the GPDO in all other respects. I therefore conclude that the proposed rear extension is permitted development.
11. I am satisfied on the basis of the evidence before me that the proposal complies with the relevant limitations and restrictions set out in the GPDO and the proposal is defined as permitted development in the GPDO. Accordingly, the merits of the development are not before me. The correct neighbour consultation has been carried out and no representations were received.

Conclusion

12. For the reasons set out above, I conclude the appeal should be allowed and prior approval is not required.

Rachael Pipkin

INSPECTOR

¹ APP/P5870/D/17/3170437