
Appeal Decision

Site visit made on 19 November 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2019

Appeal Ref: APP/Z5630/D/19/3236088

11 Vincent Avenue, Surbiton, Surrey KT5 9RD

- 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, 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 Cathirgamasegaram Ravishanka against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/01769/PNH, dated 2 July 2019, was refused by notice dated 29 July 2019.
 - The development proposed is single storey 6m rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description above, the appeal proposal is shown on the submitted plans as having a maximum projection of 5 metres from the rear elevations. This has not however had any impact on my determination of the appeal.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to enable it to be permitted development.

Reasons

4. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants permitted development rights for the enlargement of a dwellinghouse under certain circumstances.
5. The appeal site is a terraced residential dwelling. The proposal is a full width single storey extension that would extend across the whole rear elevation. The rear elevation of the dwelling incorporates a partial inset at ground floor level, which means that the elevation incorporates a shallow side wall.
6. The relevant guidance¹ indicates that where an extension would be beyond any side wall, the restrictions within Schedule 2, Part 1, Class A, A.1. (j) will apply.

¹ DCLG Permitted development rights for householders Technical Guidance (2017)

Sub paragraph (iii) stipulates that where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, the enlarged part of the dwellinghouse cannot have a width greater than half the width of the original dwellinghouse. Given that the extension would be the full width of the rear elevation, it would exceed the limits of this criteria. As a result, the proposal would not meet the limitations at sub paragraph (iii) and would therefore not be permitted development.

Other Matters

7. My attention has been drawn to approvals at other addresses on Vincent Avenue. However, no detail has been provided in relation to these schemes or their circumstances and I cannot afford these matters any weight. Moreover, my determination of this appeal turns solely on whether the proposal would be permitted development.

Conclusion

8. For the reasons given above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR