
Appeal Decision

Site visit made on 2 January 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/Z5630/D/19/3226707

31 Barton Green, New Malden, Surrey KT3 3HU

- 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 Michael Ditum against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 19/00505/PNH, dated 14 February 2019, was refused by notice dated 25 March 2019.
 - The development proposed is a single-storey rear extension going out by 5m from the back of the house.
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Decision

1. The appeal is allowed and prior approval is granted 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 a single-storey rear extension going out by 5m from the back of the house at 31 Barton Green, New Malden, Surrey KT3 3HU in accordance with the application 19/00505/PNH made on 14 February 2019, and the details submitted with it including the site location plan and plan nos 1221/015, 1221/016, 1221/017, 1221/018 and 1221/020, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Procedural Matter

2. The appellant's description of the development given on the application form is lengthy and therefore in the banner header above I have included only the information which is necessary to describe the development.

Main Issue

3. Whether or not the proposed extension is permitted under the above Order.

Reasons

4. Development is not permitted by Schedule 2, Part 1, Class A of the above Order if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse.
5. The area of contention between the parties relates to what constitutes the side elevation of the dwelling. This arises as the dwelling is a mid-terrace property and has a covered access which runs from the front of the property to its rear

garden, above which the first floor of the dwelling is located. Whilst both parties have set out how they reached their respective conclusions, neither party has been able to provide any definitive evidence to demonstrate support to their case.

6. As the property is a mid-terrace, the covered access provides a link between the front and rear of the dwelling. This link serves only the appeal dwelling and does not provide access to either of the adjoining dwellings. It is enclosed by doors towards the front and rear and it falls between the two main party walls that the dwelling shares with its two adjoining dwellings. Furthermore, the first floor of the appeal dwelling and its roof extend over the covered access.
7. On consideration of these factors, in my judgement the covered access falls clearly within the footprint of the dwelling, this being defined by its two storey front, rear and side elevation walls. The original side elevation for the purposes of this assessment is accordingly the two storey side party wall which is shared with 32 Barton Road. The proposed extension would therefore be constructed solely from the rear elevation of the dwelling and is permitted development under the Order.

Conclusion

8. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

Graham Wraight

INSPECTOR