
Appeal Decision

Site visit made on 10 December 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/P3610/D/19/3233838

135 Holmwood Road, Cheam, Sutton, Surrey SM2 7JS

- 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 'GPDO').
 - The appeal is made by Mr R Gremo against the decision of Epsom and Ewell Borough Council.
 - The application Ref 19/00569/PDE, dated 10 May 2019, was refused by notice dated 20 June 2019.
 - The development is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

4. Paragraph (j) (iii) of Class A.1 sets out that development is not permitted 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. The GPDO defines "original" as a building existing on 1 July 1948 as it existed on that date, or a building built on or after 1 July 1948 as so built.
5. The appeal property is a two storey semi-detached dwelling which currently has a small single storey rear kitchen extension. The proposed development is for a 6m deep rear extension that would replace the existing extension. The appellant contends that the small rear extension is not part of the original building and the proposed extension would therefore not extend beyond a wall forming a side elevation of the original dwellinghouse. The appellant's evidence consists of a copy of the original design drawings on the sales document which does show the layout of a building with the same design and layout to the

appeal dwelling (albeit a mirror image) without the extension. However, the sales document submitted is undated and no evidence has been submitted to confirm when the existing rear extension was constructed.

6. It is not unreasonable to consider that the building may have been built before 1 July 1948 without the rear extension, then the extension added, also before 1 July 1948. Indeed it is not unfeasible that this property was built with the rear extension as the sales particulars appears to be a generic document and may not apply to this specific house. I therefore do not have conclusive evidence before me to demonstrate that the 'original' property did not include the existing rear kitchen extension.
7. On this basis, I cannot conclude that the proposed extension would meet the criteria in paragraph A.1(j)(iii) of Schedule 2, Part 1, Class A of the GPDO and so would not constitute permitted development.

Conclusion and Recommendation

8. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR