



Appeal Decision

Site visit made on 21 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/M5450/D/19/3239411
50 Aldridge Avenue, Stanmore HA7 1DD

- 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, Paragraph A.1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr R Vaghjiyani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3352/19/PRIOR, dated 23 July 2019, was refused by notice dated 3 September 2019.
 - The development proposed is for a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the rear single storey extension constitutes permitted development.

Reasons

3. The appeal site is a semi-detached dwelling located on the east side of Aldridge Avenue in a built-up residential area. The rear garden is long and narrow and is separated from The Hive recreation ground by a railway line. The houses in the area are largely uniform in appearance. The appeal property has been extended to the rear by virtue of a small conservatory.
4. The appellant seeks to construct a rear single storey extension of approximately 6m long by 3.4m high and the full width of the host dwelling by virtue of permitted development through Prior Approval Class A of the Town and Country General Permitted Development) (England) Order 2015 (as amended) (GPDO).
5. However, for development to be permitted development by Class A, it is subject to a number of clauses. In the Council's view, the proposed extension does not constitute permitted development under Class A, Schedule 2, Part 1 of the GPDO because it falls within the definition of 'Development not permitted' under Paragraph A.1(j) (iii). In this case, the area in dispute relates to consideration of what constitutes the original side wall of the appeal property.

6. The small conservatory would be demolished to construct the proposed development. There is a rear two storey projection to the back of the main dwelling with a hipped roof that ties into the host dwelling, and this element is set in slightly from the side wall of the main dwelling by approximately 200mm. This pattern is followed to the neighbouring properties and is clearly an original feature of the property.
7. In order to make a full assessment of the proposal, I have consulted the Government's Technical Guidance for Permitted development rights for householders 2019, in particular, *Rear and side extensions*. This part explains in diagrammatical form what is and is not permitted under Class A, enlargement, improvement or alteration of a dwellinghouse. The enlargement is proposed to extend beyond the existing side wall of the rear projection to meet the side wall of the main dwelling. In this regard it would extend beyond the wall forming a side elevation of the original dwellinghouse, i.e. the side wall of the existing two-storey projection.
8. The proposal would have a width greater than half the width of the original dwellinghouse and as such, the proposal would not comply with requirements of A.1(j)(iii) to Class A of Part 1 (of Schedule 2) of the GPDO and, is therefore not permitted development.

Other Matters

9. The appellants have pointed to other single storey rear extensions that have been permitted by the Council, and consider there to be an inconsistent approach to prior approval developments.
10. The precise details of the other extensions that have been permitted under the prior approval process are not before me and in any event, each application is considered on its own merits. In terms of a rear bay window, the appellant questions their relevance in an example like this. However, I have exercised my professional planning judgement on the basis of the evidence before me at the time.

Conclusion

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

Alison Scott

INSPECTOR