



Appeal Decision

Site visit made on 21 January 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2020

Appeal Ref: APP/P3610/D/19/3235973

132 Reigate Road, Epsom, Surrey KT17 3BX

- 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 Mark McKeown against the decision of Epsom & Ewell Borough Council.
 - The application Ref 19/00785/PDE, dated 23 June 2019, was refused by notice dated 6 August 2019.
 - The development proposed is a new single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether or not the proposed development complies with the conditions, limitations or restrictions applicable to development permitted under the above Order.

Reasons

3. The appeal site accommodates a detached dwelling with a single storey rear projection made up of two distinct parts. The first part accommodates a WC and has a roof that slopes towards the side boundary of the site with 130A Reigate Road from a raised parapet. Attached to this with a roof that slopes down towards the rear, is a conservatory which is glazed to the side closest to 134 Reigate Road and to the rear elevation.
4. The materials used in the construction of the conservatory do not match the host dwelling and suggest that this is not an original feature. However, the smaller projection accommodating the WC is of solid construction, including the side wall with parapet that the conservatory attaches to. It is finished externally in brick and roughcast render which match the main part of the dwelling, and I have no reason to find that the WC projection is not an original part of the dwelling.
5. Class A.4 (3) of Part 1, Schedule 2 of the Order establishes that an application for a proposed development may be refused where it does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A. In this respect, under paragraph A.1 (j) of the same part, 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 have a width greater than half the width of the original dwellinghouse.
6. As proposed, the existing rear projection to the dwelling would be demolished and replaced by a new extension which would be set in slightly from the walls of the two-storey part of the dwelling. However, the wall with parapet to the side of the WC projection forms a side elevation of the original dwellinghouse. Although it would be demolished, the limitations within paragraph A.1 (j) are based on the original dwellinghouse and would continue to apply even if part of this original dwellinghouse is removed.
 7. The proposed extension would extend beyond a side elevation of the original dwellinghouse and would have a width greater than half of that of the original dwellinghouse. Accordingly, it would not comply with all of the limitations set out in paragraph A.1 (j).
 8. I therefore conclude that the proposed development is not permitted development under the above Order. As I have found that the proposal would not constitute permitted development, it is not necessary for me to consider the impact of the development on the amenity of any adjoining premises taking into account any representations received.
 9. I note the appellant's suggestion that approval for similar developments has been given in neighbouring boroughs, but I have no details of these developments or the relevant circumstances which applied. In any case, this is not a matter relevant to my determination of whether or not the appeal proposal would comply with the provisions of the above Order.

Conclusion

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

J Bowyer

INSPECTOR