
Appeal Decision

Site visit made on 23 July 2020

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2020

Appeal Ref: APP/N5090/D/20/3244100

43 Woodberry Grove, London N12 0DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Shafique Fletcher against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/5914/PNH, dated 04 November 2019, was refused by notice dated 20 December 2019.
 - The development proposed is single storey 6m deep rear extension in total from original rear wall.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. 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.
4. The appellant advises that a small WC projection located to the rear of the dwelling has recently been demolished and that, consequently, there is no side wall for the proposed extension to extend beyond.
5. The above Order, however, defines "original" as meaning a building as it existed on 1 July 1948 (where it was built before that date), and as it was built, if built on or after that date. The appeal site relates to a mid-terrace dwelling typical of those built during the inter-war period.
6. There is no substantive evidence before me to suggest that the small WC projection was not part of the original building. Indeed, such an argument does not form part of the appellant's submitted case. As such, whilst the small WC projection has now been demolished, in the absence of any substantive evidence to the contrary, I find it still forms part of the original building as defined by the above Order.

7. Consequently, the proposed extension would extend beyond a wall forming a side elevation of the original dwelling. The extension would also have a width greater than half the width of the original building. The proposed development, therefore, is not permitted under the above Order.
8. As the proposal does not constitute permitted development, I have no need to consider the amenity of the neighbours or to consider planning policy.
9. Whilst I note the appellant's reference to other rear extensions in the street, whether or not they comply with the above Order is not relevant to my determination of this particular case. I also note the appellant's reference to other Councils' approach to determining similar applications. I have not, however, been provided with any substantive details of any such decisions. I have, in any case, reached my own conclusions on the appeal based on the evidence before me.

Conclusion

10. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR