
Appeal Decision

Site visit made on 26 August 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/W5780/D/19/3241540
100 The Drive, Ilford IG1 3JH

- 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, Schedule 2, Part 1, Class A and paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Atif Bhatti against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2786/19, dated 22 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is single storey rear extension of 6 meters and height 4 metres under permitted development rules; to extend kitchen, add bathroom and utility room.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Atif Bhatti against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed extension is permitted development.

Reasons

4. The proposal relates to a mid-terrace two storey house. The submitted site plan shows a single rear wall across the full width of the house, but this is not correct as there is a stagger in the rear wall. The rear wall encompassing the kitchen adjacent to 98 The Drive projects forward of the rear wall adjacent to no.102; this is at both ground and first floor levels although a conservatory has been added to the side adjacent to no.102. There is therefore a side wall about 0.5m in length separating the rear walls.
5. The provisions of Article 3, Schedule 2, Part 1, Class A to the GPDO enable the enlargement of a dwellinghouse to be permitted development. However, under A.1.(j) an extension would not be permitted development if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse.

6. The proposal would not exceed 4 metres in height and would be single storey. The extension's depth of 6m would be in accordance with the limitations on the depth for a terraced house set by A.1.(g). But the proposal would not satisfy the third limitation set by A.1.(j) in that it would have a width greater than half the width of the original dwellinghouse.
7. A wall forming a side elevation of a house is any wall that cannot be identified as being a front wall or a rear wall. Where an extension is beyond any side wall, the restrictions in A.1.(j) are invoked, and they will apply to the whole extension. The width of the proposed extension would be the same as the width of the dwellinghouse. It would therefore have a width greater than half the width of the original dwellinghouse.
8. The proposed extension would not therefore be permitted development under the GPDO and there is no need to consider its impact on the amenity of neighbours or planning policy.
9. The appellant's statement sets out answers to 10 questions to indicate that the proposal is permitted development, but these do not include analysis of the limitations set by A.1.(j). The appellant points out that the Council approved an identical application in 2017. In the light of present understanding on the configuration of the rear and side walls at the site, the 2017 decision would appear to have been made in error, an error that the Council has chosen not to repeat.
10. The Council has also queried whether the extension would encroach the boundary with 102 The Drive due to it being set at an angle to the house. The drawing for the proposal is of poor quality and shows a bathroom window on the boundary. However, given my determination on the main issue, it is not necessary for me to reach a conclusion on implied encroachment.

Conclusion

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

Rory MacLeod

INSPECTOR