



Appeal Decision

Site visit made on 10 August 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2020

Appeal Ref: APP/Q5300/X/20/3245500

29 Forestdale, New Southgate, Southgate N14 7DY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Westcott against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02729/CEA, dated 31 July 2019, was refused by notice dated 2 October 2019.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the construction of a new glazed porch with flat roof.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Westcott against Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Preliminary Matter

3. The proposal is for a glazed porch that would extend beyond the front elevation of the dwelling and would provide access to a storage/sports store, which, as the drawings submitted with the application depict, is currently a garage. At the time of my site visit, construction works were being undertaken on the property and the garage, shower and utility as depicting on the existing drawings had been knocked through into one. It was not apparent whether the layout would remain as such. Nevertheless, my assessment of the proposal has been based on the drawings before me, which indicate that the proposed porch would serve the storage/sports store only.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) is not well-founded.

Reasons

5. Class D, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO) allows *'The erection or*

construction of a porch outside any external door of a dwellinghouse' subject to conditions and limitations. There is no dispute that the proposal meets the listed conditions and limitations. However, the Council contends that the proposal would not meet the definition of a "porch" and therefore falls to be considered under Class A, Part 1 of Schedule 2 the GPDO as opposed to Class D.

6. The term "porch" is not defined in the GPDO and it is therefore appropriate to apply a normal meaning. The existing enclosed glazed area that provides shelter outside the main door to the dwelling, which provides access to the habitable rooms within it, to my mind, is a "porch". The Council refer to a "primary route of entry" in their reason for refusal. However, there is no such reference to a "primary route of entry" in the GPDO.
7. As the drawings indicate, the garage is served by double doors and there is no proposed internal access between the storage/sports store and the rest of the dwelling. Consequently, the double doors would only provide access to the storage/sports store and no other parts of the dwelling. As they provide no access to any of the habitable areas of the dwelling, I do not consider that the double doors satisfy the meaning of an "external door of a dwellinghouse". Therefore, for the purposes of the GPDO, the proposed works do not amount to the erection or construction of a porch outside any external door of a dwellinghouse. As such, it does not meet the requirements of Class D.
8. As the proposal involves the enlargement of the dwelling, and fails to satisfy the requirements of Class D, it falls to be considered under Class A of the GPDO. Paragraph A.1 (e) (i) of Class A states that development is not permitted if all the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse. There is no dispute that the front elevation of the dwelling is the principal elevation and that the proposal would extend beyond it. Therefore, it fails to satisfy the requirements of Class A.
9. I therefore find that the proposal fails to meet the requirements of Classes A and D of the GPDO and therefore would not be permitted development.

Conclusion

10. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the construction of a new glazed porch with flat roof was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Alexander Walker

INSPECTOR