



Appeal Decision

Site visit made on 1 October 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/P1940/X/20/3250347

Sunstone, 23 Wyatts Close, Chorleywood, WD3 5TF

- 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Smita Barchha against the decision of Three Rivers District Council.
 - The application Ref 20/0246/PDE, dated 4 February 2020, was refused by notice dated 17 March 2020.
 - The development proposed is Prior Approval: Single storey rear extension (depth 6.6 metres, maximum height 2 metres and eaves height 2.48 metres).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the description of the development as found on the Council's decision notice as it more concisely describes the development than that on the appellant's original application form.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 1, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GDPO).

Reasons

4. The appeal site is a detached bungalow which, to the rear, has an existing pitched roof projection. The brick work to the side elevation, and the roof tiles, matches the main bulk of the dwelling which indicates that the projection (in which the dining room is currently located) is part of the original dwelling creating an original "L" shaped footprint. This is not disputed by the appellant within the evidence before me.
5. Adjacent to this original projection is a single storey flat roof extension which is stated to have been granted consent in 1977, according to the planning history, and is thus not part of the original dwellinghouse.
6. The appellant submits that the refusal to permit the rear extension under prior approval has been made on the basis of misinterpreting the existing rear minor protrusion of the building to be the side of the building, thereby limiting the rear extension possibility, contrary to the spirit of permitted development.

7. The GDPO limitations are based upon the original dwellinghouse and allows for the enlargement of a dwellinghouse but states that development is not permitted by Class A if:

A.1 (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would (iii) have a width of greater than half of the width of the original dwellinghouse.
8. In applying the above restriction the proposal, which seeks to extend across the rear elevation of the dwelling, the proposal would extend beyond a wall forming a side elevation of the original dwellinghouse. It would also have a width greater than half the width of the original dwellinghouse. This is well illustrated within the images marked up within the Council's initial correspondence with the appellant's agent. It is acknowledged that the original side wall would be removed but I find that the GDPO is clear in its reference to the original dwellinghouse as the baseline for the assessment.
9. As a result of this I find the proposal would fail to comply with A.1 (j) (iii) under Schedule 2, Part 1, Class A of the GDPO due to its extension beyond a side elevation of the original wall and having a width greater than half of the original dwellinghouse.

Conclusion

10. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR