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## Appeal Decision

Site visit made on 29 September 2020

**by David Troy BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> October 2020**

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**Appeal Ref: APP/N5090/D/20/3253122**

**37 Stanway Gardens, Edgware HA8 9LN**

- 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 (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr H Shekarchi against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/0301/PNH, dated 21 January 2020, was refused by notice dated 3 March 2020.
  - The development proposed is single storey rear extension with a proposed depth of 6.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 3.00 metres.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application for prior approval of a proposed larger home extension has been made under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

### Main Issue

3. The main issue is whether the proposed development would constitute permitted development under the terms of Schedule 2, Part 1, Class A.1 (h) of the GPDO.

### Reasons

4. The appeal property is a two storey semi-detached dwelling located in a mature well-established residential area. The appeal site has an extensive planning history relating to proposals to extend the existing property, including a part single storey and a part two storey rear extension in 1989<sup>1</sup>.
5. The appeal proposal seeks to add a single storey flat roofed extension to the previously approved and constructed rear extension. It would project out about additional 2.7m, to create a single storey extension measuring about 6.0m from the rear wall of the original property across the width of the house.

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<sup>1</sup> W0984

6. The Council's decision notice sets out the conclusion that the proposed extension would exceed the limitations set out under Schedule 2, Part 1, Class A.1 (h) of the GPDO. Development is not permitted under Class A.1 (h) of the GPDO if the enlarged part of the dwellinghouse would be more than a single storey and extend beyond the rear wall of the original dwelling by more than 3m. The GPDO, 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.
7. On the basis of the evidence before me and my observations at the site visit, I am satisfied that the proposed single storey rear extension, in combination with the existing rear extension, would enlarge the rear part of the original dwellinghouse by more than a single storey. I therefore conclude that the proposed extension would not be permitted development under the terms of Schedule 2, Part 1, Class A.1 (h) of the GPDO.
8. Since the proposal would not be permitted development, it is not necessary to consider the effect on the amenity of the neighbouring occupiers in this case.

### **Other Matters**

9. I have noted the other development drawn to my attention by the appellant. However, whilst I note some parallels with the rear extensions at No. 39 Stanway Gardens, I am unaware of the full circumstances associated with this development. In any event, I am required to deal with this proposal on its own merits and as such I accord this limited weight as a precedent in this case.
10. I have carefully considered the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision.
11. I note the appellant's comments regarding the lack of formal objections from the neighbouring properties to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the proposal and is not a determinative factor on its own.

### **Conclusion**

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Troy*

INSPECTOR