



Appeal Decision

Site visit made on 16 September 2020

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2020

Appeal Ref: APP/P5870/D/20/3254841

131 St James Road, Sutton SM1 2TJ

- 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, of the Town and Country Planning (General Permitted Development) (Order) 2015 as amended.
 - The appeal is made by Mrs Viv Holyoake against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/00652, dated 7 May 2020, was refused by notice dated 11 June 2020.
 - The development proposed is single storey rear extension projecting a max of 5.0m with a max height of 3.0m at eaves and 4.0m elsewhere.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has stated in section F of the appeal form that the Council has refused planning permission. Clearly, this is incorrect and the reason for the appeal should state that the Council has refused prior approval of permitted development rights. Accordingly, I have dealt with the appeal on that basis. The Council issued a decision notice dated 7 May 2020 in which it 'refused' prior approval for the scheme and considered it would fail to meet the parameters of permitted development as set out under Schedule 2, Part 1 Class A criteria (j) (iii) and (ja) of the Town and Country Planning (General Permitted Development) (Order) 2015 as amended (GPDO).

Main Issue

3. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Reasons

4. The appeal property is an end of terrace dwelling with an original two storey rear projection across part of the rear elevation. A subsequent stepped conservatory spanning the width of the original house has been constructed which projects from the existing rear projection and the rear elevation. The existing conservatory would be demolished as part of the proposal.

5. Schedule 2, Part 1, Class A of the GPDO states that the enlargement, improvement or other alteration to a dwellinghouse is permitted development, subject to the limitations of Paragraph A.1. Part (j) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a side wall forming a side elevation of the original dwellinghouse and amongst other matters would (iii) have a width greater than half the width of the original dwellinghouse.
6. On the basis of the evidence before me, the original rear projection forms part of the original dwelling in the context of the term 'original' in the GPDO. The proposed extension would extend outwards from this rear projection, spanning the full width of the house and infilling the area to the side of the rear projection, creating an L shaped extension projecting from the original dwelling. Therefore, having regard to page 22 of the Technical Guidance¹ in respect of the interpretation of criterion (j) it is clear that '*a wall forming a side elevation of a house will be any wall that cannot be identified as a front or rear wall. Houses will often have more than two side elevation walls*'. Consequently, I consider the side elevation walls include the side walls of the rear projection and the proposal would extend beyond the inner side wall of this projection.
7. The Council state that the rear projection measures 2.3m in depth and 3.15m in width. The appellant does not dispute the Council's measurements in this regard. The Council in refusing prior approval considered that the proposed extension would extend beyond the side wall formed by the original projection and would exceed half the width of the original house. However, I have not been provided with the width of the original dwelling measured at its widest point and therefore there is no evidence before me to dispute this.
8. From my observations on site, and in the absence of any evidence to the contrary, on the basis of the above, I conclude the extension would have a width greater than half the width of the original dwellinghouse. Therefore, I must conclude that the single storey extension would not be permitted development under the terms of Schedule 2 Part 1 Class A.1 (j) (iii) of the GPDO. Given the proposal would not satisfy criteria j (iii), the proposal would also be contrary to Part 1 Class A.1 (ja) as the total enlargement would exceed the limits set out in sub paragraphs (e) to (j).

Other Matters

9. I note the apparent frustration the appellant has with the way the prior approval application was considered by the Council. However, this is not relevant to my determination of this appeal.

Conclusion

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

S Thomas

INSPECTOR

¹ Ministry of Housing Communities & Local Government – Permitted Development Rights for Householders Technical Guidance (September 2019)