
Appeal Decision

Site visit made on 24 November 2020

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2020

Appeal Ref: APP/P5870/D/20/3259943
233 Banstead Road, Banstead, SM7 1RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr S Purdom against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/01134, dated 24 July 2020, was refused by notice dated 4 September 2020.
 - The development proposed is tiled pitched mansard to flat roof full width of main house with 2 roof lanterns for daylight, bi-fold doors to rear garden and existing french doors relocated to side elevation with patio.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), with particular regard to the limitations set out in clause (j) of paragraph A.1.

Reasons

3. Paragraph A.1 of the GPDO sets out limitations on the size of extensions within which proposals must fall to benefit from the deemed permission under Article 3(1) and Schedule 2, Part 1, Class A. The construction of paragraph A.1 is such that development is not permitted by Class A if it fails to satisfy any of clauses (a) to (k) of the paragraph. Clause (j) of paragraph A.1 sets out the limitations for extensions beyond a wall forming a side elevation of the original dwellinghouse.
4. The appeal property has a 2-storey and a single-storey projection to the rear which appear to be part of the original dwelling. The property has a previous single-storey extension to the side which also projects beyond the rear elevation. The side walls of the projections of the original dwelling facing along the rear elevation of the property are limited in depth and do not form a main side of the dwelling. However, having regard to the *Permitted development rights for householders Technical Guidance*, I find that, as a matter of fact and degree, these walls form side elevations of the original dwellinghouse for the purposes of the GPDO.

5. The proposed extension would extend beyond these side elevations and therefore falls to be considered against the limitations set out in clause (j) of paragraph A.1 of the GPDO. As the proposed extension, both in itself and in combination with the previous side extension, would have a width greater than half the width of the original dwellinghouse, it would exceed the limitation on the width set out in sub-clause (iii) of clause (j). It would thus also fail to satisfy clause (ja). Consequently, the proposal is not permitted development and an application for planning permission is required.

Conclusion

6. For the reasons given above, the appeal is dismissed.

Martin Small

INSPECTOR