



Appeal Decision

Site visit made on 19 October 2020

by Julie Dale Clark BA (Hons) DpTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th November 2020

Appeal Ref: APP/N5090/D/3252159

1 Monks Avenue, New Barnet EN5 1BZ

- 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 Hari Ramachandran against the decision of the London Borough of Barnet Council.
 - The application Ref 20/1039/PNH, dated 25 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is single storey rear extension with flat roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue is whether the proposed extension is Permitted Development (PD) under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.1 (g) and (j).

Reasons

3. The appeal site is a semi-detached house that from the location plan and my observations on site, originally had a single storey rear projection/outrigger. This may have been re-built or altered and a single storey infill extension has been built between this and the neighbouring property. The effect is that the dwelling now has a single storey extension across the width of the house. The proposal would demolish all previous rear projections and extend rearwards by 6 metres in depth and across almost the full width of the house.
4. Class A.1 (g) would allow a semi-detached house to extend beyond the rear wall of the original dwellinghouse by 6 metres, provided that it was single storey and did not exceed 4 metres in height. It is upon this basis that the application for prior approval has been submitted. The Council however, refer to Class A.1 (j) which excludes extensions from PD if it extends beyond a wall forming a side elevation of the original dwelling house; if it would have a height of more than 4 metres; be more than single storey; and have a width greater than half the width of the original dwellinghouse.
5. The appellant argues that as the existing rear projections would be demolished and the extension would extend by 6 metres beyond the main rear wall of the house it would be PD. However, this would involve extending beyond the side wall of the outrigger which, as I refer above, appears to be part of the original

dwelling. The fact that the outrigger would effectively be demolished would not allow a rear extension of more than half the width of the original house from a side elevation, in this case, the side elevation of the outrigger. To clarify, the outrigger was part of the original house and it does not fall within the definition of permitted development to remove it and then extend across the full width of the house.

6. Whilst a 6 metre projection is permitted beyond the rear wall of the house and the extension would fall under Class A.1 (g) , the requirements under Class A.1 (j) also include a restriction to extend by no more than half the width of the house from a side wall, in this case the side wall of the original outrigger. The Order does not make any exceptions for the demolition of part of an original dwelling.

Conclusion

7. On the basis of the information submitted, I conclude that the proposed extension would not be PD under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.1 (j) and therefore, the appeal should be dismissed.

J D Clark

INSPECTOR