



Appeal Decision

Site visit made on 20 October 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/N5090/D/20/3249775

48 Manor View, Finchley, London N3 2SR

- 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 Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr David Santos against the decision of the Council of the London Borough of Barnet.
- The application Ref 20/0420/PNH, dated 23 January 2020, was refused by notice dated 2 March 2020.
- The proposed development is ground floor rear extension and all associated works.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, [Part 1, Class A] of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply, or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issues

5. The main issues are:
 - i) whether the Council had sufficient information to establish whether the proposed development would comply with Schedule 2, Part 1, Class A of the GPDO;

- ii) whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Reasons for the Recommendation

Whether the Council had sufficient information

- 6. Within section 5 of the submitted application form, it is stated that the proposed extension would have a depth of 6m. However, on the submitted drawings, the depth of the proposed extension would be around 4.8m. The appellant has stated that the reference to 6m in the application form was a typographical error. To clarify, my recommendation is based on the proposed development as it is shown on the drawings. Furthermore, a condition to address the discrepancy between the drawings and the application form could have been imposed had I been minded to allow the appeal. On that basis, I am satisfied that the Council had sufficient information to establish whether the proposed development would comply with Schedule 2, Part 1, Class A of the GPDO.

Whether the proposal would comply with the GPDO

- 7. Paragraph A.1(j) of Schedule 2, Part 1, Class A of the GPDO states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The GPDO defines "original" as a building existing on 1 July 1948 as it existed on that date, or a building built on or after 1 July 1948 as so built.
- 8. The appellant states that the Council consider that the rear wall of the existing property is a side extension. However, it is clear from the delegated report that the Council consider that the side wall of a single-storey lean-to rear projection forms a side elevation of the original dwellinghouse.
- 9. The proposed extension would extend beyond the side wall of the lean to element and would have a width greater than half of the original dwellinghouse. However, the appellant states that this lean-to projection did not form part of the original dwellinghouse as it stood on 1 July 1948. This view is based upon a map from around 1947 referenced within the appellant's grounds of appeal, which shows the appeal property without this lean-to projection. However, the map is not detailed and so it is not unreasonable to consider that the map may not have included such a small rear projection which could have been in place at the time. Indeed the bay window at the front of the house, which is clearly part of the original dwelling, is not dissimilar in size to the lean-to element and is also not shown on the plan. Furthermore, while rear projections to some other properties are shown on the map, I am not convinced that this conclusively proves that the lean-to rear projection of the appeal property does not form part of the original dwellinghouse given that the map is lacking in detail overall.
- 10. As the evidence before me is not sufficiently robust enough to demonstrate conclusively that the lean-to projection does not form part of the original dwellinghouse, I cannot conclude that the proposed extension would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO.

Conclusion and Recommendation

11. While I found that the Council did have sufficient information to determine whether the proposed development would have complied with Schedule 2, Part 1, Class A of the GPDO, I have found that it would not constitute permitted development as it would not comply with Paragraph A.1(j) of Class A.
12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR