



Appeal Decision

Site visit made on 17 November 2020

by William Cooper

an Inspector appointed by the Secretary of State

Decision date: 21st December 2020

Appeal Ref: APP/N5090/D/20/3258038

6 Hayes Crescent, Golders Green, London NW11 0DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Lucy Xu against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 20/2006/PNH, dated 29 April 2020, was refused by notice dated 2 June 2020.
 - The development proposed is single storey rear extension with a proposed depth of 5 metres from original rear wall, maximum eaves height of 3 metres and maximum height of 4 metres.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would constitute development permitted by the provisions of the GPDO.

Reasons

3. The appeal property is a semi-detached house. The proposal would provide the dwelling with a single-storey, flat roof rear extension.
4. In respect of enlargement, improvement or other alteration of a dwellinghouse, Paragraph A.1(j)(iii) of the GPDO sets out that development is not permitted 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.
5. The appellant considers that the proposal would project from the 'principal rear elevation' and would not extend beyond 'a wall featuring a side elevation'.
6. However, the Ministry of Housing, Communities and Local Government Permitted development rights for householders Technical Guidance (September 2019) (TG) defines a side elevation wall of a dwellinghouse as any wall that cannot be identified as being a front wall or a rear wall. The TG explains that houses will often have more than two side elevation walls, and on page 22 includes a diagram of a stepped rear wall footprint to illustrate an example of this. Having regard to the TG, I consider that the rear wall footprint of the appeal dwelling is stepped, incorporating the side walls of the dwelling's rear outrigger which cannot be identified as front or rear walls.

7. The proposed extension would extend beyond the side walls of the dwelling's rear outrigger, which form side elevations of the original dwellinghouse. Accordingly, GPDO Schedule 2, Part 1, Class A, Paragraph A.1(j) is engaged.
8. The proposed extension would have a width greater than half the width of the original dwellinghouse. This would exceed the width limit under GPDO Schedule 2, Part 1, Class A, Paragraph A.1(j)(iii). Therefore, I conclude that the proposal would not constitute permitted development under Schedule 2, Part 1, Paragraph A.1 of the GPDO.

Other Matters

9. The appellant cites Council decisions on extensions at other properties on Hayes Crescent in 2008, 2017 and 2018. However, these decisions do not negate the requirement for the proposal to adhere to the GDPO, having regard to the explanation of its application as provided by the TG, which the other decisions pre-date. As such, the other cases do not alter my decision.
10. The effect of the proposal on neighbouring amenity is beyond the scope of the reasons for refusal and the determinative matters of this appeal. Therefore it is not necessary for me to consider it further.
11. There is inconsistency regarding the height of the proposed extension between drawings on the Proposed Sections and Elevations drawing¹ and the maximum height stated on the drawing captions and in section 5 of the planning application. This results in a lack of accurate information to assess the proposed maximum height of the rear extension. Even if the above inconsistency did not exist, this would not alter my decision given my finding in respect of Paragraph A.1(j)(iii) of the GPDO.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR

¹ Drawing No. 6 HCR-ARC-OD21.