



Appeal Decision

Site visit made on 9 December 2020

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/Z5630/D/20/3253019

62 Kenley Road, Kingston Upon Thames, KT1 3RS

- 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 Suthakaran Shanmuganathan against the decision of the Council of the Royal Borough of Richmond Upon Thames.
 - The application Ref 20/00463/PAEXT dated 23 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is erection of single storey rear extension (6.0m in depth, maximum height of 3.79m and eaves height of 2.8m).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, in the banner heading above I have referred to the description of the proposal used by the Council in their decision notice as this gives a clear description of the type of development proposed.
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 with the conditions, limitations or restrictions that are applicable to such permitted development.

Main Issue

6. 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

7. Paragraph A.1 (j) (iii) of schedule 2 of the GPDO does not permit development where 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.

8. Drawings SRT/KN/01, SRT/KN/A02 and SRT/KN/A03, submitted with the application, show 2 storey bays projecting from both the front and rear of the dwelling. The appellant seems to suggest that the Council should not have identified the rear bay as part of the original side wall. 2 storey bays are common on the front elevation of other dwellings in the vicinity and appear to be part of the original dwellings. Rear two storey bays were also evident on other dwellings nearby and appeared to be original. In my view, the bays are likely to be part of the original dwelling.
9. The Department for Communities and Local Government Permitted development rights for householders Technical Guidance (April 2017) (The Guidance) indicates that large bay windows form part of the line of a principal elevation. It follows that this approach should be taken on the rear elevations of dwellings too.
10. The Guidance also states that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Given that the projecting bays form part of the original front and rear walls, their side walls form part of the original side elevation of the house.
11. The proposed rear extension would extend beyond the side elevation of the house, created by the projecting bays, and would have a width greater than half the width of the original house. The proposed development does not therefore comply with the limitations or restrictions that are applicable to such permitted development and would not be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO.

Other Matters

12. The appellant has referred to an appeal allowed for a similarly sized extension at the appeal site in 2011, and to a neighbour's extension. I do not have the details of either applications before me. In any case, I have only to determine whether the proposed development would be permitted development under the provisions of the GDPO, rather than whether it would be an acceptable form of development.

Conclusion

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

P D Sedgwick

INSPECTOR