



Appeal Decision

Site visit made on 3 November 2020

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/01/2021

Appeal Ref: APP/N5090/D/20/3248997

22 Manor Drive, London, NW7 3NE

- 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 Predrag Ljubic against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/6190/PNH, dated 19 November 2019, was refused by notice dated 6 January 2020.
 - The development proposed is a single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) under Article 3(1) and Schedule 2, Part 1, Class A, in paragraph A.4 (3) state that the local planning authority may refuse an application where, in the opinion of the authority, (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to the development permitted by Class A. My determination of this appeal has been made on the same basis.

Reasons

3. The appeal dwelling is a semi-detached house that is not located within a Conservation Area or within an area covered by an Article 4 direction. I have noted that planning permission was granted for a single storey rear extension in 2019 which has not been built.
4. The main issue in this case is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO. The GPDO requires that an extension to this type of property does not, amongst other things, exceed 4m in height and that the height of the eaves do not exceed 3m where it sits within 2m of the boundary.
5. The Council's decision states that the appellant has provided insufficient information to enable it to establish if the proposal complies with the

requirements of the GPDO. However, the Council's submissions in its officer's report regarding the height of the proposal are unclear to me.

6. The appellant says that no part of the proposal is above 4m in height and I have noted that the Council's decision refers to the proposal as a 'single storey rear extension with a proposed depth of 4.50 metres from original rear wall, eaves height of 3.00 metres and maximum height of 3.90 metres.' However, the plans that have been submitted by the appellant's agent appear to show two different schemes and it is unclear to me which one is the proposed development.
7. The plans that have been submitted for the ground floor plan and block plan show a rectangular plan form projecting out from the existing kitchen extension. As there does not appear to be any corresponding elevations or sections, I am unable to determine whether or not that scheme meets the requirements of the GPDO that the extension should not exceed 4m in height and that the height of the eaves should not exceed 3m within 2m of the boundary. I therefore have insufficient information to enable me to establish if that scheme complies with the conditions, limitations or restrictions applicable to development permitted by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.
8. The elevations and sections that have been submitted (the rear elevation, the flank elevation and section I-I) show a different, L-shaped plan form across the whole of the original rear elevation that does not extend across the existing kitchen extension. Those plans clearly show an eaves height in excess of 3m within 2m of the side boundary. That scheme would therefore not comply with the conditions, limitations or restrictions applicable to development permitted by Article 3(1) and Schedule 2, Part 1, Class A of the GPDO.
9. Whilst I have some sympathy for the appellant that his agent has not provided sufficiently clear information, for the reasons given above, I conclude that the appeal should be dismissed.

Sarah Colebourne

Inspector