



Appeal Decision

Site visit made on 23 February 2021

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 04 March 2021

Appeal Ref: APP/N5090/D/20/3260775

40 Southbourne Avenue, London NW9 5BT

- 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 Javed Iqbal against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/2612/PNH, dated 9 June 2020, was refused by notice dated 6 August 2020.
 - The development proposed is single storey rear extension with a proposed depth of 5.50 metres from original rear wall, eaves height of 2.75 metres and maximum height of 3.70 metres.
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Decision

1. The appeal is allowed and prior approval is not required, under the provisions of Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) for a single storey rear extension with a proposed depth of 5.50 metres from original rear wall, eaves height of 2.75 metres and maximum height of 3.70 metres at 40 Southbourne Avenue, London NW9 5BT in accordance with the terms of the application, Ref 20/2612/PNH, dated 9 June 2020, and the details submitted with it, including the following plans: Existing Floorplans and Elevations (Ref 2020/South ave/P1) and Proposed Floor Plans and Elevations (2020/South ave/P2).

Preliminary Matters

2. During the determination of the application, the council changed the description of development to better reflect the proposed development. For the purposes of precision and clarity, I have therefore used the description of development on the decision notice as I do not consider any party is prejudiced by this.

Reasons

3. The main issue in this appeal is whether sufficient information has been submitted for proposed development in order that it could be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the General Permitted Development (England) Order 2015 (as amended) (GPDO).
4. 40 Southbourne Avenue is an unlisted semi-detached dwelling which has been subject to a number of extensions and alterations, including a loft conversion

- (with a full-width box dormer) and ground floor rear extension. The proposals would add a further ground floor extension to an existing ground floor extension which is approx. 3.2m from the back wall of the original dwelling. This would result in an extension of 5.50m from the back wall of the original dwelling, with a maximum overall height of 3.7m and eaves height of 2.75m.
5. The council confirmed in the officer's report that the site is not article 2(3) land, and that the permitted development rights (as set out in the GPDO) for the appeal property have not been removed.
 6. The officer states in their report that when they measured the proposed block plan, a total depth for the extension of 7.60m was measured. The council therefore consider the information shown on the plans and detailed on the application form are contradictory.
 7. Proposals for single storey rear extensions of up to 6m beyond the rear wall of semi-detached dwellinghouses, such as the appeal property, constitute permitted development provided that they satisfy the conditions, limitations or restrictions set out in Schedule 2, Part 1, Class A of the GPDO. Paragraph A.4 sets out the conditions that must be met for extensions which exceed the thresholds of paragraph A.1(f) but fall within those in paragraph A.1(g), which applies to the proposal before me. In that regard, the procedure as set out at paragraph A.4(2) indicates that before beginning the development the following details should be provided to the local planning authority: a written description of the proposed development; a plan indicating the site and showing the proposed development; the addresses of any adjoining premises, and the developer's contact address.
 8. Based upon the evidence before me, the appellant complied with the requirements of paragraph A.4(2)(a) through the written description of the proposed development provided on the application form (as amended by the council) which includes the depth of the extension beyond the rear wall of the original dwellinghouse, together with the maximum height and the height to eaves as required by subparagraphs A.4(2)(a) (i), (ii), (iii) and (iv) respectively. Paragraph A.4(2)(b) requires the developer to provide the local planning authority with a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined.
 9. In that regard, the appellant provided a layout plan at scale 1:100 which clearly indicates the site and shows the proposed development, as well as the measurements of the extension marked on the same plan.
 10. Having undertaken the site visit and viewed the existing ground floor extension, as well as carefully considering the proposed plans. I consider that the proposals are as described in the decision notice and as shown on the submitted plans.
 11. I find that the information provided as part of the application subject to this appeal meets the requirements of paragraph A.4(2) and is sufficient to establish that the proposal falls within the permitted development rights that are relevant to single storey rear extensions in paragraph A.1.
 12. To that end, I consider the appellant has provided sufficient, accurate and consistent information sufficient that a decision can be made.

13. Having regard to all of the above, I conclude that the proposed development constitutes permitted development, therefore prior approval is not required as paragraph A.4(7) is not engaged. The proposal satisfies the conditions, limitations and restrictions set out in Schedule 2, Part 1, Class A of the GPDO relevant to it.

Conclusions

14. For the reasons given, I conclude the appeal is allowed.

Sian Griffiths

INSPECTOR