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## Appeal Decision

Site visit made on 11 December 2020

**By Mark Caine BSc (Hons) MTPL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04/03/2021**

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**Appeal Ref: APP/N5090/D/20/3256934**

**4 Middle Road, East Barnet, Barnet, EN4 8TE**

- 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 Dias against the decision of the Council of the London Borough of Barnet.
  - The application Ref 20/2200/PNH, dated 8 May 2020, was refused by notice dated 18 June 2020.
  - The development proposed is described as a 'Single storey building, flat roof with rooflight windows and matching materials, matching new brickwork to match and blend with existing adjoining brickwork.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application form describes the development proposed as provided in the final bullet header above. This was subsequently altered by the Council to 'Single storey rear extension with a proposed depth of 5.50 metres from original rear wall, eaves height of 2.70 metres and maximum height of 3.00 metres' In making the appeal, this revised description was accepted by the appellant, and I have determined the appeal on this basis.
3. 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.
4. Amongst other reasons, the Council's decision notice states that the appellant has provided insufficient information to enable it to establish if the proposal complies with the requirements of Class A of Part 1, Schedule 2 of the GPDO. As such, the main issue is whether the proposed development would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO, with particular regard to whether the application included sufficient information.

## Reasons

5. The appeal relates to a two-storey mid terrace dwelling that is situated on a residential cul-de-sac that is characterised by similar terraced properties. The topography of the immediate area is such that the ground floor level of the appeal dwelling is raised from the rear garden area.
6. Proposals for single storey rear extensions of up to 6 metres beyond the rear walls of terrace dwelling houses, 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.
7. 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 has complied with the requirements of paragraph A.4(2)(a) through the written description of the proposed development provided on the application form 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 sub- paragraphs A.4(2)(a) (i), (ii) and (iii) respectively. A layout plan, floor plans and side elevation plan indicating the site and showing the proposed development have also been submitted. When taken together, I therefore consider that the information provided within the application form and the submitted plans constitute sufficient information to meet the requirements of paragraphs A.4(2)(a) and A.4(2)(b).
9. The Council is of the view that the proposal would not comply with paragraph A.1 (j) as it would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse. However, I saw on my site visit that the proposal would not be able to extend beyond a wall forming a side elevation as the appeal property is a mid terrace house, sitting in between two adjoining properties.
10. The Council also considers that the proposed steps leading up to the rear elevation of the proposal would constitute a 'raised platform' with a height greater than 0.3 metres. However, each step would have a very limited surface area and would not be suitable for any purpose other than for access. It would therefore not constitute a raised platform and its inclusion would not be in conflict with Paragraph A.1 (k).
11. Nonetheless, the need for the proposed steps highlights the clear difference in levels between the ground floor of the existing dwelling and the adjacent relatively flat rear garden area. On my site visit I noted that a set of external steps over 0.3 metres in height are in situ and necessary to access the garden directly from the appeal dwelling's back door.

12. The submitted plans have no scale bar or dimensions provided on them, and do not clearly depict the difference in levels. Nonetheless, the plans do show that the finished ground floor level of the proposal would be consistent with that of the existing dwelling. As such a modest degree of underbuilding beneath the ground floor of the proposal, of a similar height to the existing steps, would therefore be required.
13. However, the appellant's evidence indicates that the required amount of underbuilding has not been included when measuring the eaves height. This is shown by a blue arrow in a number of diagrams and is stated as being 2.7 metres high when measured from the ground floor level of the proposal rather than from its base at the natural ground level of the garden.
14. Whilst I have no substantive reason to conclude that the proposal would exceed a maximum height of 4 metres, the amount of underbuilding required would be greater than 0.3 metres above the natural ground level of the garden. Therefore, when this is added to the appellant's 2.7 metre measurement an eaves height in excess of 3 metres within 2 metres of the side boundary would be achieved. As such the proposal does 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.
15. I therefore find that whilst the application included sufficient information to be able to determine the proposal, it would not constitute permitted development under Schedule 2, Part 1, Class A of the GPDO. Since the proposal would not be permitted development, it is not necessary to consider the effect on the amenity of the neighbouring occupiers in this case.
16. The appellant has drawn my attention to a number of examples of extensions in the area that he considers to constitute appeal precedents. However, these are examples of householder planning consents and a certificate of lawful use or development. Accordingly, their circumstances are not directly comparable with those which apply in this appeal. I have, in any case, determined the appeal on its own merits and on the basis of the evidence before me.
17. For the reasons given above I therefore conclude that the appeal should be dismissed.

*Mark Caine*

INSPECTOR