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## Appeal Decision

Site visit made on 23 February 2021

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

**Decision date: 27 April 2021.**

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**Appeal Ref: APP/N5090/D/20/3262302**

**79 Mansfield Avenue, East Barnet, London EN4 8QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
  - The appeal is made by Mr Constantino Constantinou against the decision of the Council of the London Borough of Barnet.
  - The application Ref. 20/3619/PNH, dated 5 August 2020, was refused by notice dated 6 September 2020.
  - The development proposed is a single storey rear extension with a proposed depth of 4.5 metres from the original rear wall; an eaves height of 2.8 metres and a maximum height of 3 metres.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the GPDO') (as amended) Schedule 2, Part 1, Class A for a single storey rear extension with a proposed depth of 4.5 metres from the original rear wall; an eaves height of 2.8 metres and a maximum height of 3 metres at 79 Mansfield Avenue, East Barnet, London EN4 8QF in accordance with the terms of the application Ref. 20/3619/PNH, dated 6 August 2020, and the plans submitted with it.

### Main Issue

2. The main issue is whether the proposal qualifies as permitted development under the prior approval procedure of the GPDO.

### Reasons

3. The Council's refusal to grant prior approval is based on its view that the enlarged part of the house would extend beyond a wall forming a side elevation of the house and would have a width greater than half the width of the original house. In particular, it is considered that the side wall of a conservatory attached to the rear elevation is part of the original dwelling.
4. The Council's evidence for this opinion is that an historic GIS map shows the original house as including an area of building attached to the rear of the main elevation. This extends to the half of the rear wall closest to No.77, the other dwelling in the semi-detached pair. As far as I am aware, the Council has not provided any information of the survey or publication dates of this old GIS map.

5. In the absence of these dates it seems to me unreasonable for the Council to assume that the outline shown on the map necessarily defines the extent of the original building's footprint. This is because the GIS map relied on could just as likely have shown this footprint as part of the building following the construction of a subsequent addition to the original building.
6. The appellant's information supports this. It shows that the house was built as part of an estate development in 1957/1958 with identical pairs of semi-detached houses. A 1960 OS map did not show the house or Mansfield Avenue at all, only the area concerned in an undeveloped form. However, a 1965 OS map does show the houses in Mansfield Road as including No. 79 with its disputed area of footprint. This means that unless the Council can show that the GIS map that it relied on has a survey date in 1958, there is a period of up to seven years for an addition to have been built before it was formally recorded in the published OS map data for this part of London.
7. I also consider it highly improbable that a volume builder would have built a conservatory on a single house plot as part of the original scheme of estate development, particularly as it is a wood framed and glazed structure that has all the hallmarks of an individual occupier's later addition. The fact that the Council's building control section has no record of it being built carries little weight, as it is the sort of 'lightweight' structure that might well have been erected without that permission. The appellant in his grounds of appeal has also supplied further information in respect of on-site characteristics that indicate that the conservatory would not have been part of the original building. From my visit to the site I agree with his assessment.
8. For these reasons I conclude that as the conservatory does not include a side wall that formed part of the original building, the proposed extension falls within the scope of the prior approval provisions in the GPDO.
9. The appeal is therefore allowed and approval given.

*Martin Andrews*

INSPECTOR