



Appeal Decision

Site Visit made on 19 July 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/C5690/D/20/3264675

55 Taylors Lane, London SE26 6QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Karwai Pun against the decision of London Borough of Lewisham.
 - The application Ref DC/20/118900, dated 21 October 2020, was refused by notice dated 4 December 2020.
 - The development proposed is described as "proposed single storey 5m rear extension".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with the conditions, limitations or restrictions applicable to development permitted, having regard to Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Reasons

3. Schedule 2, Part 1, Class A of the GPDO states that the enlargement, improvement or other alteration of a dwellinghouse is permitted development. Paragraph A.1 sets out the relevant exceptions and limitations of the permitted development rights.
4. Paragraph A.1 (j) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than a single storey, or have a width greater than half the width of the original dwellinghouse. It is this last point regarding the width which is the matter in dispute.
5. The proposal would extend beyond a wall forming the side elevation. This side elevation being the kitchen wall which has a window facing the side boundary of the site. The infill section of the proposal which would be formed between the existing kitchen side elevation and the boundary of the site would be less than half the width of the original dwellinghouse.
6. The width of the rearmost part of the extension, which would extend beyond the kitchen wall side elevation, would be equal to the width of the original

dwellinghouse. Therefore, this part of the extension would have a width greater than half the width of the original dwellinghouse and would fail to meet the criteria in paragraph A.1(j) of the GPDO. The proposed extension can therefore not be classed as permitted development.

7. The appellant has indicated that the proposal would not extend more than 6 metres from the rear of the original dwellinghouse and would be in accordance with paragraph A.1(g) of the permitted development rights for householders technical guidance. This matter does not alter my findings above with regards to paragraph A.1(j).
8. My attention has been drawn to a number of other schemes¹ which have been granted by the Council or by planning appeal. However, insufficient evidence has been provided and I cannot be sure that they represent a direct parallel with the appeal scheme particularly with regards to scale and dimensions. In any case, I have determined this appeal on its own merits.

Conclusion

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

Chris Baxter

INSPECTOR

¹ Reference Numbers: DC/16/097255; DC/18/106423 (APP/C5690/D/18/3196678); DC/18/108495.